

J. can. P. 1120 i

1882
ALLIANCE
OF THE
CHURCH AND STATE

The Alliance of the Church and State
is a movement for the
renewal of the Christian Church
and the establishment of a
Christian State.

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T H E
A L L I A N C E
B E T W E E N
C H U R C H A N D S T A T E :
O R,
The N E C E S S I T Y and E Q U I T Y
O F
A N E S T A B L I S H E D R E L I G I O N
A N D
A T E S T L A W
D E M O N S T R A T E D .

In Three B O O K S .

True Faith, true Policy UNITED ran,
That was but love of God, and this, of Man.

POPE.

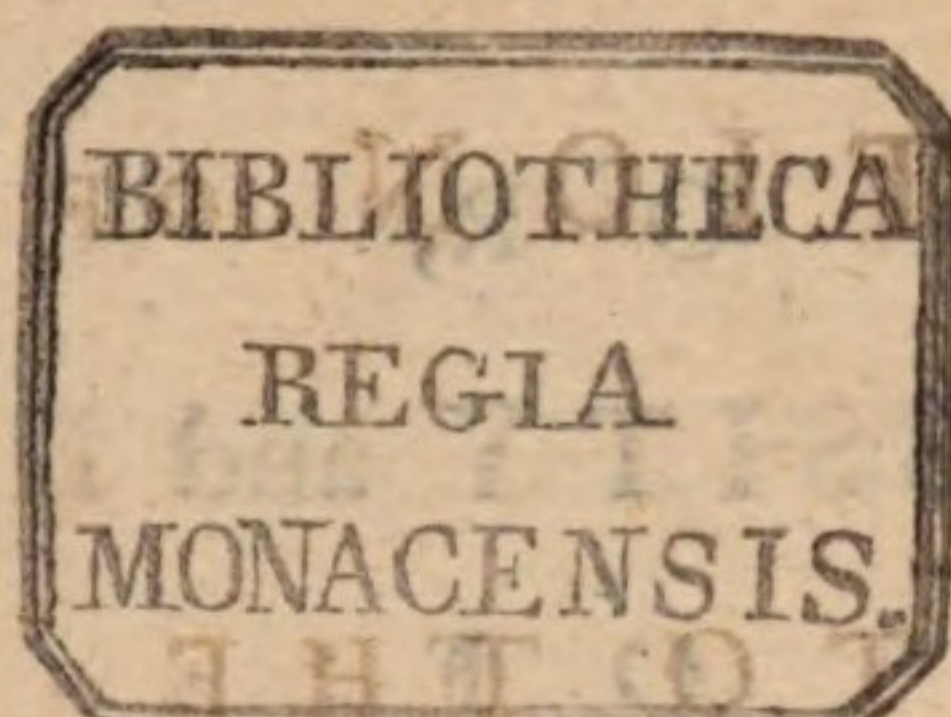
The F O U R T H E D I T I O N ,
Corrected and Enlarged.

By Dr. W. W A R B U R T O N ,
Lord Bishop of G L O U C E S T E R .

L O N D O N :

Printed for A. M I L L A R , and J. and R. T O N S O N ,
in the Strand. M D C C L X V I .

819



THE only subjects worth a wife
Man's serious notice, are Religion
and Government; such Religion and Go-
vernment, I mean, as exclude not (which
too often they do) Morality and Poli-
tics; and these are subjects, that at the
same time, most need his attention. For
tho' they be obtained to one end, to per-
fect HUMANITY; yet, as they pursue it
by different means, they must act in con-
junction,

DEDICATION

TO THE

EDITION OF 1748.

TO THE

RIGHT HONOURABLE

P H I L I P

EARL OF CHESTERFIELD.

MY LORD,

THE only subjects worth a wise
Man's serious notice, are RELIGION
and GOVERNMENT; such Religion and Go-
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fect HUMANITY; yet, as they pursue it
by different means, they must act in con-
junction,

iv DEDICATION.

junction, lest the diversity of the means should retard or defeat the attainment of the concurrent end.

BUT then, the object of Religion being Truth, which requires liberty; and the object of Government, Peace, which demands submission; they seem naturally formed to counteract one another's operations.

HOWEVER, though their Natures, and consequently their Agency, be thus different, yet their Views being the same, there seems to be no more reason against their POLITIC ALLIANCE than we see there was against the *physical union* of the Soul and Body, for whose distinct benefit each of those Institutions was severally ordained. For tho' these two constituent parts of Man run counter, and frequently defeat each other's purpose; yet Reason can easily reconcile their jars, and teach them how to draw together; so as best to put in use and improve each other's Faculties: the Body
sup-

DEDICATION. v

supplying the Mind with organs of sensation; and the Mind, the Body with the active principle of spontaneous motion.

THE chief design of the following Discourse is to shew, that the like important uses may be derived from an UNION BETWEEN CHURCH AND STATE: and to explain upon what Principles these services are best procured. In doing this, I have still kept our own happy Constitution in my eye: and so, have escaped the danger which speculative Writers, intent only on their philosophic ideas, have incurred in framing their Utopian Societies.

AND now, my Lord, being willing to leave behind me a Monument of my love to my Country, I have taken the privilege, arising from the principles here laid down, to appeal, from the Ecclesiastical, to a Lay-Tribunal, under the protection of a Character which is going down to posterity in the full lustre of those amiable qualities of humanity which Nature delights to throw round the Names of her distinguished Favourites.

IT is an uncommon happiness when an honest man can congratulate a Patriot on his becoming Minister*: and what one would not, in conscience, overlook. When Ministers turn Patriots into Courtiers, it is a loss, to the Public, of a *good name*, at least: But when Patriots teach Courts public spirit, the loss of a *word* is well repaid by the good that word was supposed to imply. And now if such a one should be asked where is his Patriotism? he might well answer in the Spanish proverb,—*The KING has enough for us all*. What Subjects have thrown off is not lost, but lodged in safer hands, the Crown; the old, the natural, the legal Guardian of British Liberty.

BUT Your Lordship has now a nicer part to manage. The PEOPLE are much more reasonable in their demands on their PATRIOTS than on their MINISTERS. Of their Patriots they readily accept the Will for the Deed; but of their Ministers, they unjustly interpret the Deed for the Will.

* Sec. of State in the year 1748.

DEDICATION. vii

Our great English Poet, who honoured Your virtues, as much as he loved Your person, was more candid. He understood the delicate situation of a Minister; and in this fine apology, as I have it under his hand, does justice to their good intentions:

Our Ministers like Gladiators live;
'Tis half their bus'ness blows to ward or give:

The good their VIRTUE would effect, or
SENSE,

Dies between Exigents and Self-defence.

BESIDES, my Lord, the dead weight of long desuetude upon good intentions seems not to have been enough considered. Of all the strange connexions which the revolutions of Time bring about, the rarest and most accidental is that between MERIT and REWARD. So that when things have taken their plying, a Minister may be well allowed to answer with him, in the comic Poet, to one who complained he had been *cruelly scratched by Fortune, That it was now too late to think of paring her nails.*

viii DEDICATION.

NOR are the mistakes of Expectants far short of the difficulties of *Men in power*.

SCHOLARS (to speak the Court sense of them) who know but little of practicable Life, are apt to fancy that superior distinction in Letters, or superior services in their Profession, may intitle them to the honours of it. But things are not so carried. High Stations, even of the more spiritual kind, require a *knowledge of Affairs*. The pursuit of Letters keeps men from the sight of *Business*: And learned impressions make them unapt and aukward in the discharge of it. The Mind must be unburthened before it will be able to move there, either with ease or grace. Nothing is more unquestioned, nor, consequently, *truer* than these Court-Maxims. And the most that can be said for so helpless a Tribe is, *That Letters never made a Blockhead*. But I go no farther. For indeed it must be owned, That as they find him, so they always leave him.

BUT

DEDICATION. ix.

BUT perhaps, my Lord, I am all this while giving an example of that very ignorance I would endeavour to excuse. For, if what we daily hear be true, I am pleading for the Decorations of Society, at a time, that the Foundations of it are thought to be insecure. Which certainly would be as bad oeconomy as his, who busied himself in white-washing his mansion house, when the walls wanted both support and repair.

IT is true, I had a view to *Use* as well as Ornament; for I hinted at *Religion* as well as Letters. But it is not of that wood (I mean the wood of the Cross) of which the public supports are now made. So that a great Minister will find many things to do, before he comes to embellish and adorn. And if the temper of the times will but suffer Your Lordship to be instrumental in saving Your Country by a reformation of the general manners, men of sense would be unjust to complain, though they might lament, that the work
of

DEDICATION.

of polishing our genius was denied to
You, and reserved for some happier Suc-
cessor.

I am,

My LORD,

Your LORDSHIP'S

most Obliged, and

faithful Servant,

W. WARBURTON.

D E D I C A T I O N

ADVERTISEMENT.

A VERY able and judicious *French* Writer^a not long since translated the following Treatise (amongst the other Works of this Author) into his native Language. His purpose in it was to open a way for appeasing the commotions of *Jansenism*, at that time, in a high ferment. He addressed it, in a private Letter^b, to the late Cardinal FLEURY, to whom he was well known. And to give the conclusions, I have deduced, the more credit with his countrymen, he supported them all along with quotations (which are here inserted) from the two famous Works of DE MARCA and BOSSUET; the one the wisest, and the other the most sensible Divine that Nation ever produced: And although their Religion kept them strangers to the principles here laid down, as appears from their supposing, all along, that both Church and State continue sovereign and independent, even

^a M. DE SILOUHETTE.

^b A copy of which follows this advertisement.

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after *aid* and *protection* have been mutually given and repaid; yet the love of their Country led them to the conclusions arising from them. Which they readily embraced from observing their use to Mankind, without understanding the grounds on which they stood.

THE Translator's success was such as might be expected from every attempt to ease or soften POPERY, though directed to its firmer Establishment. For the politic directors of that Superstition having long since filled up their measure of unrighteousness, Providence will not suffer them to be *wise even in their own Generation*. The Minister was jealous of principles, and plans of policy, which came from the schools of Liberty and Reason: Neither could he relish or understand them, though dressed up and recommended by some of the ablest Doctors of his own Church. It is a trite observation, that Divines make bad Politicians; I believe it is more generally true, that Politicians are but bad Divines; and especially, secularized Politicians, such as our Cardinal. Yet had this great Man been in the Direction, under a Government like ours, are we to think he would then have slighted a Work which only professes to shew on what solid grounds the fundamental Constitutions of it are erected? By no means.

Though

ADVERTISEMENT. xiii

Though his maxims of Policy might not suffer him to countenance Innovations, how just and beneficial soever; yet the dictates of Common sense would have led him, to encourage all attempts of supporting the established System of things, on reasonable principles,

The Translator's success was such as might be expected from every attempt to ease or lessen Poverty, though directed to its former Establishment. For the politic directors of that Superstition having long since filled up their measure of iniquitousness, Providence will not suffer them to be any more in their own Generation. The Minister was jealous of principles, and plans of policy, which came from the schools of Liberty and Reason. Neither could he resist or understand them, though drilled up and recommended by some of the ablest Doctors of his own Church. It is a true observation, that Divines make bad Politicians; I believe it is more generally true, that Politicians are but bad Divines; and especially, secularized Politicians, such as our Cardinal. Yet had this great Man been in the Direction, under a Government like ours, we to think he would then have lighted a Work which only professes to show on what solid grounds the fundamental Constitutions of it are erected? By no means.

Copie

Though

Copie d'une Lettre écrite à M^r. le Cardinal
de Fleury, en lui envoyant les Disser-
tations sur l'Union de la Religion, de la
Morale, & de la Politique; tirées d'un
Ouvrage de Mr. Warton.

P E R M E T T E Z moi, M^r. de présenter à vo-
tre Eminence des Dissertations sur l'Union
de la Religion, de la Morale, & de la Poli-
tique, tirées de l'Ouvrage d'un Savant Anglois.
Je présumerois d'en parler avec d'autant plus de
liberté que je n'ai gueres fait que traduire & po-
sitive. Ce n'est pas sans de puissans motifs
que j'ai entrepris cet ouvrage, & que je prie
la liberté de vous le présenter. L'état des pro-
grès de l'Intelligence, & de la décadence des
mœurs, qui en est toujours une suite infaillible,
instruit par l'histoire de toutes les nations, &
EN PARTICULIER PAR MON SÉJOUR EN AN-
GLETERRE, DES MAUX FUNESTES QUE PRODUIT
DANS TOUTES LES BRANCHES DU GOUVERNE-
MENT, LE RELACHEMENT DES PARTICULIERS
DANS LA PRATIQUE DE LA VERTU & DES DE-
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terre n'est pas le seul pays où l'Intelligence ait re-
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d'un

Copie d'une Lettre écrite à M^{gr}. le Cardinal de FLEURY, en lui envoyant les *Dissertations sur l'Union de la Religion, de la Morale, & de la Politique; tirées d'un Ouvrage de Mr. Warburton.*

PERMETTEZ moi, M^{gr}, de présenter à votre Eminence des Dissertations sur l'Union de la Religion, de la Morale, & de la Politique, tirées de l'Ouvrage d'un Savant Anglois. Je presume d'en parler avec d'autant plus de liberté que je n'ai gueres fait que traduire & qu'extraire. Ce n'est pas sans de puissans motifs que j'ai entrepris cet ouvrage, & que je prens la liberté de vous le présenter. Frapé des progrès de l'irreligion, & de la decadence des mœurs, qui en est toujours une suite infaillible, instruit par l'histoire de toutes les nations, & EN PARTICULIER PAR MON SEJOUR EN ANGLETERRE, DES MAUX FUNESTES QUE PRODUIT, DANS TOUTES LES BRANCHES DU GOUVERNEMENT, LE RELACHEMENT DES PARTICULIERS DANS LA PRATIQUE DE LA VERTU & DES DEVOIRS RELIGIEUX; trop persuadé que l'Angleterre n'est pas le seul pays où l'irreligion ait repandu son poison contagieux, j'ai cru que l'ouvrage le plus utile au quel un bon citoyen put s'appliquer, étoit de tacher d'arrêter le cours d'un

d'un libertinage si pernicieux, d'exposer les chimères ainsi que l'ignorance des esprits forts, & de démontrer alternativement l'utilité de la Religion par sa vérité, & sa vérité par son utilité. Pour mettre cette grande vérité dans tout son jour, j'ai approfondi autant qu'il m'étoit possible la conduite de tous les Législateurs & les sentimens de tous les Philosophes ; discussions qui ouvrent d'elles-mêmes un beau champ à la littérature.

MAIS, M^{sr}., j'ose dire que ce n'est point assez que de s'opposer aux excès de l'irreligion, si l'on ne s'oppose en même tems aux abus de la Religion même. L'histoire de presque toutes les nations modernes de l'Europe offre des tableaux bien touchans des maux qu'a produit l'abus de la Religion : Et pour ne se point faire d'illusion, que ne doit-on point craindre du feu que couvent les dissensions qui divisent encore aujourd'hui les esprits, & dont l'éclat n'est retenu que par la sagesse & la modération de votre Eminence ? J'ai toujours été extrêmement frappé d'un passage de St. Chrysostome, que je vous demande la permission de rapporter ici. HÆC EST CHRISTIANISMI REGULA, HÆC ILLIUS EXACTA DEFINITIO, HIC VERTEX SUPRA OMNIA EMINENS, PUBLICÆ UTILITATI CONSULERE. C'est le caractère essentiel de la Religion que de
s'allier

s'allier avec l'utilité de l'Etat. Et cependant de combien de calamitez la religion n'a-t-elle pas été la source, elle que n'est destinée qu'à produire des fruits salutaires? On abuse des meilleures choses, & c'est l'abus, que l'on fait de la RELIGION, contre lequel je me suis proposé d'élever une barriere qui marque tout l'usage que l'on en peut, & que l'on en doit faire, & qui fixe le point où l'on doit s'arrêter. Je n'ai travaillé sur les principes d'aucun parti : je n'ai absolument songé qu'à trouver le point critique de reunion où se concentrent LA VERITE & L'UTILITE : Quoique je me suis aidé du secours de quelques uns de nos Theologiens les plus respectable, j'ai moins songé à puiser dans leurs ouvrages, que dans les sources primitives d'un raisonnement fondé sur la nature & l'essence même des choses. Un long séjour dans des pays où la diversité des religions ne produit aucun desordre contribué à me mettre sur la voye du vrai, & m'y a ensuite affermi : j'ai marché avec d'autant plus de sûreté que je me suis trouvé guidé par l'experience des autres nations : j'ai même trouvé ces matieres savamment & profondement discutées par des Theologiens de l'Eglise *Anglicane* : un nombre infini d'ecrits ont paru sur ce sujet : la liberté de tout dire a fait, qu'aucune difficulté n'a été supprimée,

primée, & aucune n'a été proposée qu'elle n'ait été clairement & solidement expliquée.

JE laisserois à la lecture de ses DISSERTATIONS à dévoiler le seul remède qu'il convienne, & que l'on puisse appliquer efficacement & salutairement aux desordres de religion, si les occupations importantes & multipliées de votre Eminence pouvoient lui permettre une lecture aussi longue. Ce remède, c'est l'établissement d'un Acte par lequel l'Etat s'assure que tous ceux qui remplissent des postes publics, soit civils ou religieux, se conforment à la Religion dominante : c'est, en d'autres mots, la requisition ou d'un Serment, ou de la signature d'un Formulaire. J'espère en avoir démontré la justice & la nécessité, sans insister sur d'autres principes que sur ceux de l'Equité naturelle & de la prudence universelle de tous les Etats polices : gendre de démonstration que je ne sache pas que personne eut encore entrepris, & qui cependant est essentiel.

Je fais que je dois m'attendre à essuyer un orage violent de la part d'un Parti^a qui ne s'est rendu que trop populaire, & dont tout le crédit est fondé sur l'illusion & le cagotisme. Mais

^a Les Jansenistes.

j'ai tout lieu d'espérer que cet orage se dissipera de lui-même, lorsque l'on verra que la requisi-
tion de la signature d'un formulaire, bornée,
comme je le propose, aux personnes qui veu-
lent occuper des emplois publics, n'attaque en
rien la liberté des consciences, & qu'elle se
trouve entièrement exemte de tous les reproches
de persécution. C'est là je crois le seul moyen
de rendre inutiles toutes les ruses d'un parti ex-
trêmement habile à s'emprevaloir; car pour peu
que l'on examine avec attention, il n'est pas
difficile de decouvrir ce qui lui attire un si grand
nombre de prosélytes. La plupart des parti-
culiers ne sont pas capables de juger des ma-
tières théologiques qui séparent les deux partis.
Le François a naturellement l'ame noble & gé-
nereuse, en sorte que le parti qui peut faire ac-
croire qu'il est persécuté, ce parti, soit bon ou
mauvais, ne peut manquer d'avoir un grand
nombre de partisans. Rien ne le prouve mieux
qu'un trait fort remarquable rapporté par Brant,
dans son Histoire de la Réformation des Pays
Bas, Livre qui fait l'admiration de tous les Hol-
landois compatriotes de l'Auteur; estimé par
tous les Etrangers qui le connoissent, & qui,
quoique l'ouvrage d'un Protestant, renferme
bien des connoissances utiles & instructives pour
un Lecteur Catholique. Cet Historien rapporte
qu', avant la révocation de l'Edit de Nantes,

quelques Religioneux du Poitou passerent en Angleterre, où interrogez sur leur foi, & en particulier sur le nombre des sacramens, ces bonnes gens, souverainement ignorans, repondirent qu'il y en avoit trois, le Pere, le Fils, & le St. Esprit. Comment se peut-il que des gens eussent tant de zele que d'abandonner leur patrie, et tout ce qui leur étoit cher, pour une Religion qu'ils ne connoissoient certainement pas ? Rien de plus naturel : ils croyoient que l'on vouloit contraindre leurs Opinions ; & ils ne s'imaginoient pas que la Force & la Verité pussent aller de concert. Avec combien d'art les Jansenistes ne cherchent-ils pas à persuader qu'ils sont persecutez ? Ils savent bien que cette opinion, bien loin de decourager leur secte, est tout ce qu'il y a de plus capable de l'augmenter. Je suis persuade que l'on trouvera que c'est là le cas de la plupart de leurs partisans.

C'EST dans cette vue qu', en m'attachant à prouver la justice & la necessité d'un formulaire dont la profession seroit requise de toutes les personnes qui voudroient des emplois publics, je n'ai pas insisté avec moins de force sur la Tolerance de Opinions, à l'égard de ceux qui ne sont dans aucun emploi. C'est même en vain qu'on voudroit les contraindre : les Opinions sont libres, & le pouvoir des hommes n'a

aucune

aucune prise sur elles. Il n'a d'autre moyen d'introduire l'uniformité que l'expulsion, expedient qu'il faudroit renouveler sans cesse, parce qu'il renaît sans cesse des Opinions nouvelles; expedient par consequent trop dangereux; & qui ne s'acorde pas avec la maxime de St. Chrysostome sur l'utilité de la Religion pour l'Etat. J'ose d'autant plus volontiers avancer, que la Violence & la Religion sont incompatibles; que rien n'est plus opposé que la violence au caractère & aux sentimens que toute l'Europe reconnoît dans votre Eminence.

Toute secte privée des dignitez de l'Etat fut-elle appuyée sur la verité, ne peut faire de grands progrès dans ce siècle corrompu. On en a un exemple sensible dans les Catholiques de Hollande & d'Angleterre, & surtout dans ceux de cet dernier pays, où leur nombre diminue tous les jours, uniquement parce qu'il y a un plus grand nombre de dignitez à distribuer, & qu'elles y sont plus faciles à obtenir, qu'en Hollande, où elles sont presque entierement confinées aux familles des Magistrats des Villes. Les progrès seroient encore bien moindres à l'égard des sectes qui auroient le malheur d'être dans l'erreur. Les Catholiques de Hollande n'y causent aucun trouble, non plus que les Presbyteriens en Angleterre. Exclus de tous
b 3 les

les emplois, ils n'ont point assez de pouvoir pour introduire aucune division dans le Gouvernement ; & jouissant en même tems de la liberté de professer tranquillement leur religion, rien ne les excite à se soulever contre un Gouvernement juste & équitable. Les Catholiques d'Angleterre sont, à la vérité, moins bons sujets ; mais d'où provient cette différence d'avec ceux de Hollande, si non que les Loix penales, qui en Angleterre ont lieu contre eux, leur donnent toujours lieu d'apprehender la violence, & les reduisent, en quelque maniere, dans un état de persecution.

Me permettez-vous, M^r., de dire avec ingenuité, que je fus convaincu tant par l'étude que je puis avoir faite de la nature humaine, que par le témoignage unanime qu'en rend l'Histoire de toutes les nations florissantes, que l'Union de la PROFESSION D'UN FORMULAIRE d'une part, avec la TOLERANCE de l'autre, est le seul moyen de prevenir les maux que l'on a lieu d'apprehender d'une SECTE qui s'accroît plus qu'elle ne diminue ; & qui jette de jour en jour des racines plus profondes ; qui ne peut être détruite par tout autre moyen, qu'en même tems l'on n'affoiblisse infiniment l'Etat, & qui, en ce cas même, seroit sûrement succedée par quelque secte nouvelle. Une rigidité

généralité exacte à exiger la profession d'un Formulaire commun, de tous ceux qui entrent dans quelque poste ou dans quelque société publique que ce puisse être, & une indulgence entière à l'égard des opinions des simples particuliers, assureroient la tranquillité de l'Etat contre l'effort non seulement des sectes actuelles, mais encore de toutes celles qui pourroient se former par la suite.

Je soumets toutes ces réflexions, M^{rs}., aux lumières de votre Eminence, & j'ai l'honneur d'être &c.

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CHAPTER I.

The Occasion and Nature of this Discourse.

AN ESTABLISHED RELIGION and a TEST-LAW, the two great Solecisms, as we are told, in modern Politics, are the Subject of the following Discourse. A Subject that hath not only, in common with most other of Importance, been much perplexed by the bringing in, on both Sides, Men's civil and religious Prejudices into the Question; but likewise, which is almost peculiar to this Controversy, by their concurring in one and the same erroneous

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Principle:

Principle : For where the two Parties go on different Grounds, they naturally begin with examining one another's Principles, which leads to the Discovery of the true, and consequently to the timely Determination of the Controversy. But where a *false* Principle has the luck to be unquestioned, the Disputants may wrangle for ever, and be, after all, no nearer to the Truth. This hath been the fate of the Subject in Question ; while both Parties placed their Arguments on the same mistaken Foundation, the one defended a Test on such Reasonings as destroyed a *Toleration* ; and the other opposed it on such as conclude equally against the very Essence and Being of a *National Religion*.

INVETERATE Mistakes, therefore, upon a Subject of such Importance would be a sufficient Apology for the Expediency of this Discourse at any time, although some late Occurrences had not made it particularly seasonable at the present. Our unhappy Divisions in the State have, it seems, amongst the various Intrigues of Parties, afforded Opportunity and Encouragement to the Protestant Dissenters to enter upon Measures for the Repeal of the *Test-Law*, that is, as we shall prove, for throwing the State into Convulsions, by a Dissolution of the original Union between the two Societies. In the mean time it hath unhappily befallen, that
some,

some, to whom this Kingdom is greatly indebted for their Reasonings in Defence of public Liberty, have thought hardly of a *Test-Law* and of an *Established Religion* so secured. From what their Mistake hath arisen will be shewn in its Place. However, the Authority of these great Names hath induced many unprejudiced Persons to shew too much Countenance to this destructive Project; and hath emboldened the Promoters of it to appeal to the abstract Principle of Right. I shall therefore attempt to shew THE NECESSITY AND EQUITY OF AN ESTABLISHED RELIGION AND A TEST-LAW FROM THE ESSENCE AND END OF CIVIL SOCIETY, UPON THE FUNDAMENTAL PRINCIPLES OF THE LAW OF NATURE AND NATIONS.

THIS being our Subject, I do not propose to defend an *Established Religion* and a *Test*, by the Laws of this or that State, or on the Principles of this or that Scheme of Religion, but on the great and unerring Maxims of the Law of Nature and Nations: And when, on occasion, I may happen to apply the Reasoning here enforced, to this or that Church or State, it will be only so far forth as they are conformable to that Law.

AND this is all now wanting to determine this long Controversy. For the Adversaries of

Establishments having been beaten off from their Attacks of the *Test-Law*, on the Frame and Principles of our own Constitution, by many excellent Vindications of *the Corporation and Test-Acts*, have left this partial Question, and appealed to the Law of Nature and Nations. To that Tribunal we now propose to follow them.

THE *Principles* of Society, Civil and Religious, here delivered, will serve to lay open the absurd Reasonings of those, who, thinking an *Establishment* of divine Right, defend it on the Doctrine of Intolerance, which makes a Church, an Inquisition; and the necessary *Consequences* deduced from those Principles will as plainly expose the mischievous Reasonings of those, who, holding a *Test* to be against all human Rights, oppose it on a Doctrine of Licentiousness, which makes the Church, a Rope of Sand. Having done this, from those clear Principles, and these necessary Consequences, we shall demonstrate the perfect Concord and Agreement between *Religious Liberty* and a *Test-Law*; and, in the last Place, detect the delusive Principle, above mentioned, upon which both Parties have gone, and shew how it hath led both, as extraordinary as it may seem, to quite contrary Conclusions. From all this it will appear, which is one of the principal Purposes

poses of this Discourse, that our present happy Constitution both of Church and State, is erected on solid and lasting Foundations.

C H A P. II.

Of the State of Nature; and the Establishment of Society.

TO lay my Foundation therefore with sufficient Strength, it will be necessary, tho' in as few Words as may be, to consider the Nature of Man, in general, and of that Civil Community which he invented with so much Benefit to himself and Fellows: that seeing his Wants, and the Remedies he applied to them, we may better judge of their Fitness to, and Operations on, each other.

THE Appetite of Self-preservation being indispensably necessary to every Animal, Nature has made it the strongest of all. And tho', in rational Animals, Reason alone might be supposed sufficient to answer the End for which this Appetite is bestowed on others, yet, the better to secure that End, Nature has given Man likewise a very considerable Share of the same Instinct with which she has endowed Brutes so admirably to provide for their Preservation. Now, whether it were some *plastic Nature* that was here in Fault, which, Lord *Verulam* says,

knows not how to keep a mean^a, or that it was all owing to the perverse Use of human Liberty, certain it is, that, borne away with the Lust of gratifying this Appetite, Man, in a State of Nature, soon ran into very violent Excesses; and never thought he had sufficiently provided for his own Being, till he had deprived his Fellows of the free Enjoyment of theirs. Hence all those Evils of mutual Violence, Rapine, and Slaughter, that, in a State of Nature, must needs abound amongst Equals. Because, though Man, in this State, was not without a Law which exacted Punishment on evil Doers, yet the Administration of that Law, not being in common Hands, but either in the Person offended, who being a Party would be apt to enforce the Punishment to Excess; or else in the Hands of every one, as the Offence was against Mankind in general and affected the Good of Particulars not immediately or directly, would be executed remissly. And very often, where both these Executors of the Law of Nature were disposed to be impartial and exact in the Administration of Justice, they would yet want Power to enforce it. Which, altogether, would so much inflame the Evils abovementioned, that they would soon become as general and as intolerable as the *Hobbeists* represent them in

^a *Modum tenere nescia est.*

that

that State to be, was it not for the restraining Principle of RELIGION that kept Men from running into the Confusion which the Appetite of inordinate Self-Love necessarily produces. But yet Religion could not operate with sufficient Efficacy for want, as we observed before, of a common Arbiter, who had Impartiality enough fairly to apply the Rule of Right; and Power to enforce its Operations: So that these two PRINCIPLES were in endless Jar; in which Justice generally came by the worst. It was therefore found necessary to call in the CIVIL MAGISTRATE, as the Ally of Religion, to turn the Balance.

*Jura inventa metu injusti fateare necesse est,
Tempora si fastos velis evolvere mundi.*

THUS was Society invented for a Remedy against Injustice: And a Magistrate by mutual Consent appointed, to give a Sanction to “that
“ common Measure to which, Reason teaches
“ us that, Creatures of the same Rank and
“ Species, promiscuously born to the same Advan-
“ tages of Nature, and to the Use of the
“ same Faculties, have all an equal Right^b.”
Where it is to be observed, that though Society provides for all those Conveniencies and Accommodations of more elegant Life, which Man must have been content to have done with-

*where this
Consent.*

^b Locke.

out, in a State of Nature, yet it is more than probable that these were never thought of when Society was first established^c: But that they were the mutual Violences and Injustices, at length become intolerable, which set Men upon contriving this generous Remedy. Because Evil felt has a much stronger Influence on the Mind than Good imagined: And the Means of removing the one is much easier discovered than the way to procure the other: And this by the wise Disposition of Nature; the avoiding Evil being necessary to our Existence; not so, the procuring Pleasure. Besides, the Idea of those unexperienced Conveniencies would be, at best, very obscure: And how unable Men would be, before tryal, to judge that Society could bestow them, we may guess by observing how little, even now, the Generality of Men, who enjoy those Blessings, know or reflect that they are owing to Society, or how it procures them; because it doth it neither immediately nor directly. But they would have a lively Sense of Evils

^c Though the judicious *Hooker* thinks those Advantages were principally intended when Man first entered into Society: *This was the Cause* (says he) *of Men's uniting themselves at first into Politique Societies.* Eccl. Pol. L. i. § 10. His Master *Aristotle*, though extremely concise, seems to hint, that this was but the *secondary* End of Civil Society; and that *that*, which we here make to be so, was the first. His words are:

γνωσμένη μὲν ἐν τοῦ ζῆν ἐνεκεν, ἥσα δὲ τὰ εὖ ζῆν. Pol. L. i. c. 2.

felt;

felt; and would know that Society was the Remedy, because the very Definition of the Word would teach them how it becomes so. Yet because *Civil Society* so greatly improves human Life, this *Improvement* may be called, and not unaptly, the *secondary End* of that Convention. Thus, as *Aristotle* accurately observes in the Words quoted below, that which was at first constituted for the *Sake of Living*, is carried on for the *Sake of happy Living*.

THIS is further supported by Fact. For we see that those savage Nations which happen to live in peace out of Civil Society, never think of entering into it, tho' they feel all the Advantages of that improved Condition in the neighbouring Colonies round about them.

C H A P. III.

Of the natural Defects of Civil Society; and the Necessity of applying Religion to remedy those Defects.

CIVIL Society thus established; from this Time, as the Poet sings,

— *absistere bello,*
Oppida caeperunt munire, & ponere leges,
Ne quis Fur esset, neu Latro, neu quis Adulter.

But as before, bare RELIGION was no Preservative

vative against civil Disorders ; so now SOCIETY alone would be equally insufficient.

I. 1. FOR, first, its Laws can have no further Efficacy than to restrain Men from open Transgression ; while what is done amiss in private, though equally tending to the public Prejudice, escapes their Censure. And Man, since his entering into Society, would greatly have improved his Practice in this secret way of Malice. For now an effectual Security being provided against *open Violence*, and the inordinate Principle of Self-love being still the same, *secret Craft* was the Art to be improved ; and the Guards of Society inviting private Men to a careless Security, what Advantages it would afford to those hidden Mischiefs, which Civil Laws could not take notice of, is easy to conceive.

2. BUT, secondly, the Influence of Civil Laws cannot, in all Cases, be extended even thus far, namely, to the restraining of open Transgression. It cannot *then*, when the severe Prohibition of one Irregularity threatens the bringing on a greater : And this will always be the Case, when the Irregularity is owing to the Violence of the sensual Passions. Hence it hath come to pass, that no great and flourishing Community could ever punish *Fornication*, or
vague

vague Lust, in such a sort as its ill Influence on Society was confessed to deserve: Because it was always found that a severe Restraint of this forced open the way to more flagitious Lusts.

3. Thirdly, THE very Attention of Civil Laws to their principal Object occasions a further Inefficacy in their Operations. To understand this we must consider, that the Care of the State is for the WHOLE, under which *Individuals* are considered but in the second Place, as Accessaries only to that Whole; the Consequence of which is, that, for the sake of the Body's Welfare, some Individuals are often left neglected. Now the Care of *Religion* is for PARTICULARS, and a *Whole* has but the second Place in its Concern^c. This is only touched

^c Regium Imperium a Sacerdotali in eo maxime distat, quod illi non solæ singulorum civium rationes commissæ sint, sed totius Reipublicæ salus; unde fit ut in cives etiam invitos ad fovendum totius reipublicæ corpus, jus illi competat—Quod aliter se habet in Episcopali Ministerio, cui Ecclesiæ sollicitudo ita est commissâ, ut singulorum salutis præcipue invigilare debeat, nec curare possit universum corpus aliquorum membrorum perniciæ. PETRUS DE MARCA, *De concordia Sacerdotii & Imperii. Epistola ad Cardinalem de Richelieu*: Nous aurons occasion de citer souvent ce fameux Ouvrage, écrit à la requisition du Cardinal de Richelieu. Nous l'indiquerons par le nom de l'Auteur, Prelat aussi zélé pour sa Religion que pour son Prince. Il mourut peu de tems après sa nomination à l'Archevêché de Paris, où il étoit parvenu par son mérite & par le discernement de son Roi. *French Translator.*

upon

upon to shew, in passing, the natural Remedy for the Defects, I am here endeavouring to account for.

4. BUT this was not all, There was a further Inefficacy in human Laws. The Legislator, in enquiring into the mutual Duties of Citizens arising from their Equality of Condition, found those Duties to be of two kinds. The first, he intitled the Duties of PERFECT OBLIGATION, because Civil Laws could readily and commodiously, and were of necessity required to, enforce their Observance. The other he called the Duties of IMPERFECT OBLIGATION; not that Morality doth not as strongly exact them, but because Civil Laws could not conveniently provide for the Observance of them; and because they were supposed not so immediately and essentially to affect the Welfare of Society. Of this latter kind are *Gratitude, Hospitality, Charity, &c.* concerning such, Civil Laws, for these Reasons, are generally silent. And yet, though it may be true, that these Duties, which human Laws thus overlook, may not so directly affect Society, it is very certain, that their Violation brings as sure, though not so swift Destruction upon it, as that of the Duties of *perfect Obligation*. A very competent Judge, and who, too, speaks the Sentiments of Antiquity, in this Matter, hath
not

not scrupled to say,—“ Ut scias per se expectandam esse GRATI ANIMI ADFECTIONEM, per se fugienda res est INGRATUM esse: quoniam nihil æque concordiam humani generis dissociat ac distrahit quam hoc vitium^d. ”

5. STILL further, besides these Duties both of *perfect* and *imperfect* Obligation, for the encouraging and enforcing of which, Civil Regimen was invented; SOCIETY itself begot and produced a *new Set of Duties*; which are, to speak in the Mode of the Legislature, of *imperfect Obligation*: The first and principal of which is that antiquated forgotten Virtue called the LOVE OF OUR COUNTRY.

6. BUT, lastly, SOCIETY not only introduced a new Set of Duties, but likewise increased and inflamed, to an infinite Degree, those inordinate Appetites for whose Correction it was invented and introduced; like some kinds of powerful Medicines which, at the very time they are working a Cure, heighten, for a Time, the Malignity of the Disease. For the Appetites take their Birth from our real or imaginary Wants. Our *real* Wants are unalterably the same; and, arising only from the Imbecillity of our Nature and Situation, are exceeding few, and are easily relieved. Our *fantastic* Wants

^d Seneca De benef. Lib. iv. c. 18.

are infinitely numerous, to be brought under no certain Measure nor Standard; and are always increasing in exact proportion to our Improvements in the Arts of Life. But the Arts of Life owe their Original to Society: and the more perfect is the Policy, the higher do those Improvements rise; and, with them, are our Wants, as we say, proportionably increased; and our Appetites inflamed: For those Appetites which seek the Gratification of our imaginary Wants are much more violent than what are raised by our real Wants: Not only because the imaginary are more numerous; which gives constant Exercise to the Appetites: and more unreasonable; which makes the Gratification proportionably difficult; and altogether unnatural; to which there is no Measure: but principally because vicious Custom hath affixed a *kind of Reputation* to the Gratification of the fantastic Wants, which it hath not done to the Relief of the real ones. So that, on the whole, our Wants increase in proportion as the Arts of Life advance and perfect.—In proportion to our Wants, is our Uneasiness—to our Uneasiness, our Endeavours to remove it—to our Endeavours, the Weakness of *human Restraint*. Hence it appears, that, in a State of Nature, where little is consulted but the Support of our Existence, our Wants must be few, and our Appetites in proportion weak;
and

and that, in Civil Society, where the Arts of Life are cultivated, our Wants must be many, *then a* and our Appetites in proportion strong. *State of Nat*

II. THUS far concerning the Imperfection of Civil Society, with regard to the Administration of that Power which it hath, namely of *Better than* *Social* punishing the Refractory. We are next to consider its much greater Imperfection with regard to that Power which it wanteth; namely of rewarding the Obedient.

THE two great Sanctions of Law and Civil Regimen are REWARD and PUNISHMENT. These are generally called the two Hinges, on which Government turns. And so far is certain, and apparent to the common Sense of Mankind, that whatever Laws are not enforced by both these Sanctions, will never be observed in any Degree sufficient to carry on the Ends of Society.

YET, I shall now shew, from the original Constitution and Nature of Civil Society, that it neither had, nor could enforce, the SANCTION OF REWARD.

BUT, to avoid Mistakes, I desire it may be observed, that, by *Reward*, must needs here be meant, *such as is conferred on every one for* observing

observing the Laws of his Country; not such as is bestowed on Particulars, for any eminent Service: as by Punishment we understand that which is inflicted on every one for transgressing the Laws; not that which is imposed on Particulars, for neglecting to do all the Service in their Power.

I MAKE no doubt but this will be put into the Number of my Paradoxes; nothing being more common in the Mouths of Politicians^e, than *that the Sanctions of Reward and Punishment are the two Pillars of Civil Government*; all the modern *Utopias*, and ancient Systems of speculative Politics, deriving the Vigour of their Laws from these two Sources. Let the Proof therefore of the two following Propositions be considered.

I. THAT, by the *original Constitution* of Civil Government, the Sanction of Rewards *was not* enforced.

II. THAT, from the *Nature* of Civil Government, they *could not* be enforced.

^e Neque solùm ut SOLONIS dictum usurpem, qui & sapientissimus fuit ex septem, & Legum Scriptor solus ex septem. Is rempublicam duabus rebus contineri dixit, PRÆMIO ET POENA. Cic. ad Brutum, Ep. 15.

I. IN entering into Society, it was stipulated, between the Magistrate and People, that *Protection* and *Obedience* should be reciprocal Conditions. When, therefore, a Citizen obeys the Laws, that Debt on Society is discharged by the Protection it affordeth him. But, in respect to Disobedience, the Proceeding is not analogous (though Protection, as the Condition of Obedience, implies the withdrawing it on Disobedience) and for these Reasons: The effect of withdrawing Protection must be either Expulsion from the Society, or exposing the Offender to all kinds of Insult from others, in it. Society could not practise the first, without bringing the Body Politic into a consumption; nor the latter, without throwing it into convulsions. Besides, the first is no Punishment at all, except by accident; it being only leaving one Society to go into another: And the second is an inadequate Punishment; for though all Obedience be the same; and so, *uniform Protection* a proper Return for it; yet Disobedience being various both in Kind and Degree, the withdrawing Protection would be too great a Punishment for some Crimes, and too small for others.

THIS being the Case, it was stipulated that the Transgressor should be subject to pecuniary Mulcts, corporal Castigations, Mutilation

lation of Members, and capital Inflictions. These were the Sanction, and *only* Sanction of Civil Laws. For, that Protection is no Reward in the Sense that these are Punishments, is plain from hence, that Protection is of the Essence of Society itself; penal Inflictions an occasional Adjunct. But this will farther appear by considering the opposite to Protection, which is *Expulsion*, or Banishment; for this is the *natural* Consequence of withdrawing Protection. Now this, as we said, is no Punishment but by accident: and so the State understood it; as we may collect, even from their Manner of employing it *as a Punishment* on Offenders: for Banishment is of universal Practice, with other Punishments, in all Societies. Now, where withdrawing Protection is inflicted as a Punishment, the Practice of all States hath been, to retain their Right to Obedience from the banished Member; though, according to the nature of the thing, considered alone, that Right be really discharged; Obedience and Protection, as we observed, being reciprocal. But it was necessary all States should act in this manner when they inflicted Exile as a Punishment; it being no Punishment but by accident, when the Claim to Subjection was remitted with it. They had a *Right* to act thus; because it was inflicted on an *Offender*; who had wil-

fully

fully forfeited all Claim of Advantage from that *reciprocal Condition*^f.

II. BUT secondly, from the Nature of Civil Government, *the Sanction of Rewards could not be enforced by it* ; Because Society could neither distinguish the Objects of its Favour ; nor reward them, though they were distinguished.

I. FIRST, *Society could not distinguish the Objects of its Favours*. To inflict Punishment, there is no need of knowing the Motives of the Offender ; but judicially to confer Reward, on the Obedient, there is.

ALL that Civil Judicatures do in punishing is to find whether the Act was *wilfully* committed. They enquire not into the Intention or Motives, any further, or otherwise than as they are the Marks of a voluntary Act ; and having found it so, they concern themselves no further with the Motives or Principles of acting ; but pu-

^f This will aid us to resolve a doubtful Question ; namely, *Whether a banished Man be a Subject of the State from which he hath been expelled ?* Hobbes and Pufendorf hold the negative ; and Tully, with the excellent Lord Chancellor Hyde, the affirmative. The former, in Support of their Opinion, say, that, by the very Act of Expulsion, the State gives up and renounces all Right of Subjection : the latter only appeal to the Practice of Societies ; the Reason of which Practice, as here given, seems to determine the Question in their Favour.

nish, without scruple, in confidence of the Offender's Demerit. And this with very good Reason; because no one of a sound Mind can be supposed ignorant of the principal Offences against Right, or of the Malignity of those Offences, but by some sottish Negligence that hath hindered his Information; or some brutal Passion that hath prejudiced his Judgment; both which are highly faulty, and deserve Civil Punishment.

It is otherwise in rewarding the abstaining from Transgression. Here the *Motive* must be considered: because as *merely doing Ill*, i. e. without any *particular* wrong Motive, deserves Punishment, a crime in the case of wrong Judgment being ever necessarily inferred; so *merely abstaining from Ill* cannot, for that very reason, have any merit.

In *judicially rewarding*, therefore, the *Motives* must be known: but human Judicatures can know them but by accident: It is only that Tribunal, which searches the Heart, that penetrates thus far. We conclude, therefore, *that Reward cannot, properly, be the Sanction of human Laws.*

If it should be said, that though Rewards cannot be equitably administer'd like Punishments;

ments; yet nothing hinders but that, for the good of Society, all who observe the Laws may be rewarded, as all who transgress the Laws may be punished: The Answer will lead us to the Proof of the second Part of this Proposition.

2. THAT Society could not reward, though it should discover the Objects of its Favour; the Reason is, because no Society can ever find a Fund sufficient for that Purpose, without raising it on the People as a Tax, to pay it back to them as a Reward.

BUT the universal Practice of Society confirms this reasoning, and is explained by it; the Sanction of *Punishments* only, having, in all Ages and Places, been employed to secure the Observance of Civil Laws. This was so remarkable a *Fact*, that it could not escape the Notice of a certain excellent Wit, and studious Observer of Men and Manners; who speaks of it as an universal Defect: *Although we usually, says he, call Reward and Punishment the two Hinges, upon which all Government turns, yet I could never observe this Maxim to be put in Practice by any Nation except that of Lilliput*². Thus he introduceth an Account of the Laws and Customs of an *Utopian* Constitution of his own

² *Gulliver's Travels*, vol. i. p. 97.

framing; and, for that matter, as good, perhaps, as any of the rest: And, had he intended it as a Satire against such chimerical Commonwealths, nothing could have been more just: For all these political Romancers, from *Plato* to this Author, make Civil Rewards and Punishments *the two Hinges of Government*.

I HAVE often wondered what it was, that could lead the Reformers of Laws from Fact, and universal Practice, in so fundamental a point: But, without doubt, it was this, The design of such sort of writings is to give a perfect Pattern of Civil Government; and to supply the fancied defects in real Societies. The end of Government coming first under consideration; and the general Practice of Society seeming to declare this end to be only, what, in truth, it is, *Security to our temporal Liberty and Property*; the Simplicity of the Plan displeased, and appeared defective. They imagined, that, by enlarging the Bottom, they should ennoble the Structure: and, therefore, formed a romantic Project of making Civil Society serve for all the good purposes it was even accidentally capable of producing. And thus, instead of giving us a true picture of Government, they jumbled together all sorts of Societies into one; and confounded the *Religious*, the *Literary*, the *Mercantile*, the *Convivial*, with the
CIVIL.

CIVIL. Whoever reads them carefully, if indeed they be worth reading carefully, will find that the Errors, in which they abound, are all of this nature, and arise from this Source, from the losing, or never having had, a true Idea of the simple Plan of Civil Government: a circumstance, which, as we shall shew occasionally, in the course of this Work, hath been productive of many wrong judgments concerning it. No wonder then, that this mistake, concerning the *End* of Civil Society, drew after it others, concerning the *Means*; and this, amongst the rest, that *Reward was one of the Sanctions of human Laws.*

On the whole then, it appears, that Civil Society hath not, in itself, the *Sanction of Rewards*, to secure the observance of its own Laws. So true, in *this* sense, is the Observation of St. Paul, that THE LAW WAS NOT MADE FOR THE RIGHTEOUS, BUT FOR THE UNRULY AND DISOBEDIENT.

BUT it being evident, that the joint Sanctions of Rewards and Punishments are but just sufficient to secure the tolerable Observance of Right (the common false Opinion that these are the two Hinges of Government arising from that Evidence) it follows, that, AS RELIGION, ONLY, CAN SUPPLY THE SANCTION OF REWARDS,

WHICH SOCIETY WANTS, AND HATH NOT, RELIGION IS ABSOLUTELY NECESSARY TO CIVIL GOVERNMENT.

THUS, on the whole, we see, I. That Society, by its own proper Force, cannot provide for the Observance of above one third Part of moral Duties; and of that third, but imperfectly. We see likewise, how, by the peculiar Influence of its Nature, it enlargeth the Duty of the Citizen, at the same time that it lessens his natural Ability to perform it.

II. WE see further, which is a thing of far greater consequence, that Society totally wants one of those two Powers which are owned by all to be the necessary Hinges on which Government turns, and without which it cannot be supported.

To supply these Wants and Imperfections, some other coactive Power must be added, that hath its Influence on the Mind of Man, to keep Society from running back into Confusion. But there is no other than the Power of RELIGION; which teaching a governing Providence, who hath given Laws for the perfecting of Man's Nature, and so becomes the Rewarder of good Men, and the Punisher of ill, this Religion can oblige to the Duties of *imperfect Obligation*, which

which human Laws overlook : and teaching, also, that this Providence is omniscient, that it sees the most secret Actions and Intentions of Men, will oblige to those Duties of *perfect Obligation*, which human Laws cannot reach, or sufficiently enforce.

Thus we have explained, in general, the mutual Aid which *Religion* and *Civil Policy* lend to one another : not unlike what two Parties in the same Cause, and engaged in the same Encounter, may reciprocally receive and give against a common Enemy : While one Party is closely pressed, the other comes up to its Relief ; disengages the first ; gives it time to rally, and repair it's force : By this time the assisting Party is pushed in its turn, and needs the Aid of that which is relieved ; which is now at hand to repay the Obligation. From henceforward, the two parties ever act in ALLIANCE ; and, by that means, keep the common Enemy at a stand.

THIS USE OF RELIGION TO THE STATE was seen by the Learned, and felt by all Men of every Age and Nation. The ancient World particularly was so firmly convinced of this Truth, that their greatest Secret of the sublime Art of Legislation consisted in this, how Religion might be best applied to the service of Society. The particular Methods they employed,

ployed, and the several artful Detours they contrived to arrive at this End, are in the second Book of the *Divine Legation of Moses* explained at large.

RELIGION being thus proved necessary to Society, that it should be so used and applied, in the best Way, and to most Advantage, needs no Proof. For it is as instinctive in our Nature to improve a Good, as to discover or investigate it. And with regard to the improvement of this particular Good, there is a special Reason why it should be studied. For the Experience of every Place and Age informs us, that the Coactivity of *Civil Laws* and *Religion* is but just enough to keep Men from running into Disorder and mutual Violence. But this Improvement is the Effect of Art and Contrivance. For all natural Good, every Thing constitutionally beneficial to Man, needs Man's Industry to enable him to reap that Benefit. We receive it all at the provident Hand of Heaven, rather with a Capacity of being applied to our Use, than immediately fit for our Service. We receive it, indeed, in full Measure, but rude and unprepared. The efficient Cause of this, in natural Goods, is the Intractability and innate Stubbornness of Matter; and in moral Goods, the Malice and Perversity of Man. The final Cause seems to be, that Man, of all God's
Creatures

Creatures the most incapable of a State of Inactivity and Idleness, may be set to work ; and by this means made to cultivate, what would else lye fallow, the Faculties both of his Mind and Body.

Now concerning this technical Improvement of moral Good, it is, in artificial Bodies, as in natural : *Two* may be so essentially constituted as to be greatly able to adorn and strengthen each other. But then, as in the one Case a mere juxta-position of the Parts is not sufficient, so neither is it in the other ; some Union, some Coalition, some artful Insertion into each other will be necessary.

BUT now again, as in natural Bodies, the Artist is unable to set about the proper Operation, till he hath acquired a reasonable Knowledge of the Nature of those Bodies which are the Subject of his Skill ; so neither can we know in what manner Religion may be best applied to the Service of the State, till we have learned the real and essential Natures both of a *State* and a *Religion*. The *obvious* qualities of both sufficiently shew that they must needs have a good Effect on each other, when properly applied^b ; as our Artist, by his Know-

^b Non natura, sed hominum vitio factum, ut ambæ illæ potestates, quæ amico scedere conjungi debuerant, in dedecus Christiani nominis aliquando divellantur ab invicem. *Marca, Epistola ad Cardinalem de Richelieu. F. T.*

ledge of the obvious Qualities of two natural Bodies, we suppose discerns as much; though he hath not yet gotten sufficient Acquaintance with their Nature, to make a proper Application.

CHAP. IV.

Of the Nature and End of Civil Society: And the causes of the common mistakes concerning it, discovered and explained.

IT behoves us, therefore, in the next place, to examine the Nature of CIVIL SOCIETY and RELIGION more at large. Of whose *Natures* to be truly informed, the Way is to find out their *Ends*. And this will be the more necessary on account of the wonderful Extravagances that the several Sects amongst us have run into, concerning one and the other Society; while some strike at the *Administration*, some at the *Nature*, and some at the very *Being* of both. The PAPIST makes the State a Creature of the Church; the ERASTIAN makes the Church a Creature of the State: The PRESBYTERIAN would regulate the State on Church Ideas; the HOBBEIST, the Church, on Reasons of State: And, to compleat the Farce, the QUAKER abolishes the very Being of a Church; and the MENNONITE suppresses the Office of the Civil Magistrate.

BUT

BUT to begin with *Civil Society*. It was instituted either with the Purpose of attaining all the Good of every Kind, it was even accidentally capable of producing; or only of some certain Good, which the Institutors, unconcerned with, and unattentive to, any other, had in view. To suppose its End the vague Purpose of acquiring all possible accidental Good, is, in Politics, a mere Solecism; as hath been sufficiently shewn by the Writersⁱ on this Question. And how untrue it is in fact, may be gathered from what we have said above, of the Origin of Society. Civil Government then, I suppose, will be allowed to have been invented for the Attainment of some certain End or Ends, exclusive of others: and this implies the Necessity of distinguishing this End from others. Which Distinction arises from the different Properties of the Things pretending. But, again, amongst all those Things which are apt to obtrude, or have in fact obtruded, upon Men, as the Ends of Civil Government, there is but one Difference in their Properties, as Ends: Which is this, *That one of these is attainable by Civil Society only; and all the rest are*

ⁱ See *Locke's* Defence of his Letters of Toleration. This appears too to have been *Aristotle's* Opinion from these Words. — φύσει μὲν ἐν διώρισαι τὸ θῆλον, καὶ τὸ δῆλον· ἐπεὶ γὰρ ἡ φύσις ποιεῖ τοῦτο, οἷον χαλκολύποι τὴν [Δελφικὴν] μάχαιραν, πτενιχρῶς, ἀλλ' ἐν πρὸς ἑν. Ἐξ. *Polit. L. i. c. 1.*

easily attained without it. The Thing then, with that singular Property, must needs be the genuine End of Civil Society. And that is no other than SECURITY TO THE TEMPORAL LIBERTY AND PROPERTY OF MAN. For this End, as we have shewn, Civil Society was invented; and *this*, Civil Society alone is able to procure. The great, but spurious Rival of this End, THE SALVATION OF SOULS, or the *Security* of Man's future Happiness, belongs, therefore, to the other Division. For *this*, not depending on outward Accidents, or on the Will or Power of another, as the Body and Goods do, may be as well attained in a State of Nature, as in Civil Society; and therefore, on the Principles here delivered, cannot be one of the Causes of the Institution of Civil Government; nor consequently one of the Ends thereof^k.

BUT

^k Whoever reads what is here said of the different views and ends which God and Men had in instituting the two several Communities, *Civil* and *Religious*, cannot but be surprised at the extreme ignorance or inattention of J. J. Rousseau, *Citizen of Geneva*, who in his *Contrat Social*, speaking of the means employed by the ancient Law-givers to procure Submission to their Laws, concludes his observations in these Words—“ Il ne faut pas, de tout ceci, conclurre avec
 “ WARBURTON que la Politique et la Religion aient, parmi
 “ nous, UN OBJET COMMUN; mais, dans l'origine des
 “ Nations l'une sert d'instrument à l'autre.” p. 59. “ But
 “ from all this we are not to conclude with WARBURTON,
 “ that

BUT if so, the Promotion of it comes not within

“ that Civil Policy and Religion, have, amongst us, one
 “ COMMON OBJECT ; but in the origin of Nations, one was
 “ made an instrument to the other.”—Now this whole Chapter of the *Alliance* is written for no other purpose than to prove that Civil Policy and Religion had not ONE COMMON OBJECT, but two, very different and distinct. The very thing which possibly misled him, (viz. the Title of my Book, *The Alliance between Church and State*) had he duely attended to it, would have set him right : for the very word *Alliance*, when used, as here, in a Civil sense, and applied to *Church and State*, shews that, in my Opinion, *Policy and Religion* HAD NOT ONE COMMON OBJECT : because an *Alliance* between two Communities implies the Independency of each : but had the Church and State *one common object*, this would destroy the Independency of one, in order to avoid, what of necessity must be avoided, an *imperium in imperio*. If Mr. Rousseau, by *the common object held by Warburton*, means, *the good of Mankind*, he either trifles or prevaricates. In this sense, all the Ordinances of God, all the legitimate institutions of Man, have *one common object*. The consequence of all this is, that either *Warburton* or *Rousseau* was here upon a subject which he did not understand. Yet this is the Man who says to *Christophe de Beaumont Archeveque de Paris* “ Monseigneur, J’ai
 “ cherché la verité dans les Livres ; je n’y ai trouvé que
 “ le mensonge & l’erreur—C’est souvent un petit mal de ne
 “ pas entendre un Auteur qu’on lit : mais c’en est un grand
 “ quand on le refute, et un tres grand quand on le diffame.”

But if this Writer be consequent, the principle, that *Civil Policy and Religion have one common object*, is his own : for he holds that though the Magistrate ought to tolerate Religions already introduced and spread abroad in the Community, yet he is under no obligation to suffer new ones to be introduced ; and that in policy he should not do it.—“ Quant aux Reli-
 “ gions

within the peculiar Province of the Magistrate¹. For he who has nothing to do with the *End*, can have no concern with the *Means*. These Means are DOCTRINE AND MORALS, which

“ gions une fois etablies ou tolerees dans un pays, Je crois
 “ qu’il est injuste et barbare de les y detruire par la violence, et
 “ que le Souvereign se fait tort a lui-même en maltraitant leurs
 “ Sectateurs. Il est bien different d’embrasser une Religion
 “ nouvelle, ou de vivre dans cette où l’on est né ; *le premier*
 “ *cas seul est punissable*. On ne doit ni laisser etablir une di-
 “ versité de cultes, ni proscrire ceux qui sont une fois etablis.”

Now if M. Rousseau say this upon Principles, and does not merely copy Bolingbroke, as Bolingbroke is copied by Voltaire, he must needs espouse the opinion which he falsely charges upon the Author of the *ALLIANCE*, that *Civil Policy and Religion have one common Object*, for this Opinion making Religion a Creature of the State, she may always be so treated as best serves the ends of the civil Magistrate.

¹ Summa divini numinis benignitate duobus maximis præfidiis instructa est humani generis Societas ad felicitatem consequendam, Sacerdotio et Imperio ; quorum alterum divinis Mysteriis se impendit, alterum componit reipublicæ statum, & humanæ vitæ tranquillitatem procurat ; ita ut ex utriusque concordia Christiana respublica cumulatissimis incrementis augeatur. Utraque potentatum suis limitibus est circumscripta, et in dissitis omnino negotiis exercetur ; cum illa spiritualibus addicatur, hæc publicis occupata sit—certæ quidem regulæ in genere assignari possunt, quibus invicem determinentur.—Et en parlant des difficultez qui peuvent survenir entre ces deux puissances, l’Auteur ajoûte—Quæ locum habent non in controversiis fidei, quo longo intervallo remotæ sunt a cognitione Principum, nec in rerumpublicarum administrationibus, quæ alienæ sunt a cura pascendi gregis. *Marca in præfatione prima.* F. T.

compose

compose what is called RELIGION, in the largest Sense of the Word.—That *Opinions* are not in his Ressort, I again refer the Reader to Mr. *Locke's* discourses on *Toleration*; where it may be seen, how, from the Principles here laid down, the whole Doctrine of Religious Liberty is demonstrated: And that even *Morals* are not, when considered only in a religious Sense, how strange soever this Assertion may appear, is evident both from the Reason of Things, and from the fundamental Practice of all Governments.

WE have shewn they were the *Bodies*, not the *Souls* of Men, of which the Magistrate undertook the Care. Whatever therefore refers to the *Body*, is in his Jurisdiction; whatever to the *Soul*, is not. But, and if there be *That* which refers equally to both (as *Morals* plainly do) such Thing must needs be partly within and partly without his Province; that is, it is to be *partially* considered by him; his Care thereto extending so far only as it affects Society. The other Consideration of it, namely as it makes Part of Religion, being in the Hands of those who preside in another kind of Society; of which more hereafter.

AGAIN, with regard to Civil Practice; if we cast our Eye on any *Digest* of Laws, we shall
D find

find that evil Actions have their annexed Punishment denounced, not as they are VICES, *i. e.* not in Proportion to their Deviation from the eternal Rule of Right: Nor as they are SINS, *i. e.* not in Proportion to their Deviation from the revealed Will of God; which two things indeed coincide: But as they are CRIMES, *i. e.* in Proportion to their malignant Influence on Civil Society.

BUT the View in which the *State* regards the Practice of Morality is evidently seen in its Recognition of that famous Maxim, by which, in all Communities, penal Laws are fashioned and directed, THAT THE SEVERITY OF THE PUNISHMENT MUST ALWAYS RISE IN PROPORTION TO THE PROPENSITY TO THE CRIME. A Maxim evidently *unjust*, were Actions regarded by the State as they are in themselves; because the *Law of Nature* enjoins only in Proportion to the Ability of Subject; and human Abilities abate in Proportion to the contrary Propensities:—evidently *impious*, were Actions regarded by the State as they refer to the *Will of God*, because this State-measure directly contradicts his Method and Rule of punishing. But suppose the Magistrate's Office to be what is here assigned; his Aim must be the SUPPRESSION of Crimes, or of those Actions which malignantly affect Society; and then nothing can be more reasonable

reasonable than this Proceeding. For then, his End must be the good of the *Whole*, not of *Particulars*, but as they come within that View. But the good of the Whole being to be procured only by the *Prevention of Crimes*; and those, to which there is the greatest Propensity, being of the most difficult Prevention, the full Severity of his Law must, of Necessity, be armed against these¹.

BUT now it is to be observed, in order to clear this Question from the Confusion to which the Want of these considerations has subjected it, that tho' *Religion*, or the *Care of the Soul*, be not within the Province of the Magistrate, and consequently Matters of *Doctrine* and *Opinion* are without his Jurisdiction; yet this must always be understood with an exception to the

¹ " A Law there is mentioned amongst the Grecians where-
" of *Pittatus* is reported to have been Author: And by that
" Law it was agreed, that he, which being overcome with
" drink did then strike any man, should suffer punishment
" double as much as if he had done the same being sober.
" No man could ever have thought this reasonable that had
" intended thereby only to punish the injury committed ac-
" cording to the gravity of the fact. For who knoweth not
" that harm advisedly done is naturally less pardonable, and
" therefore worthy of the sharper punishment. But for as
" much as none did so usually this way offend as men in that
" case, it was for the public good to frame a positive Law
" for remedy thereof accordingly." *Hooker Ecc. Pol.* L. 1.
§. 10.

three fundamental Principles of Natural Religion; namely, — THE BEING OF A GOD, — HIS PROVIDENCE OVER HUMAN AFFAIRS, — and THE NATURAL ESSENTIAL DIFFERENCE OF MORAL GOOD and EVIL. These Doctrines, it is directly of his Office to cherish, protect, and propagate; and all Oppugners of them it is as much his Right and Duty to restrain as any the most flagrant Offender against Civil Peace. Nor doth this at all contradict our general Position, that the sole End of Civil Society is the Conservation of Body and Goods. For the Magistrate concerns himself with the Maintenance of these THREE FUNDAMENTAL ARTICLES, not as they promote our *future* Happiness, but our present: As they are the very Foundation and Bond of Civil Policy. To understand this, we must remember what hath been said above of its Original.

THE Progress and Increase of mutual Violence in the State of Nature, 'till it became general and intolerable, was owing to the *natural equality* of Power amongst Men. The Remedy of which was seen to be Civil Society. But that Equality of Power, which occasioned the Evil, prevented the Remedy, any otherwise than by the Will and free consent of every one. The entrance therefore into Society was by free Convention and Stipulation. But then again, that

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29

that same equality which made every Man's consent necessary, prevented his giving any other security for the performance of his Compact than his mere word: And how feeble a Security that is, all men know. Some means therefore were to be contrived to strengthen the Obligation of his Word. Now nothing, in the Case here imagined of perfect Equality, (and such was the real case on men's entering into Society,) could give this Strength, but RELIGION. An OATH then, rising on the *three great Principles* above mentioned, was that Sanction to his Word which was universally employed in all Conventions. For an Oath is an Invocation to Heaven, whose Providence is believed to regard Men's Actions; Justice being the Object of his Delight, and Injustice of his Displeasure; and that he will punish and reward accordingly: all which necessarily imply an essential Difference between Good and Evil, prior to human Decrees. Thus an old *Grecian Sage* quoted by *Clemens*, speaking of the Office of the ancient Lawgiver, says: "He first of all
" trained the race of Mankind to Justice by the
" Invention of an Oath^m."

D 3

AGAIN,

^m Πρῶτον ἔτι· εἰς δικαιοσύνην θνητῶν ἤγαγεν, δείξας ὅρκον. *Strom. Lib. i.*—From hence we may collect how pernicious it would be to *Society*, and how destructive of its end, to multiply the Use of Oaths to inferior Purposes: For if the Sanction of an Oath

AGAIN, when Society was established, it was necessary that human Laws should be enforced on a Principle of RIGHT as well as *Power*; that is, on a Principle which would make them *obeyed for Conscience Sake*. But the preserving these *three* great Articles of Natural Religion could alone subsist that Principle. Therefore was the Magistrate to provide for their Support. But these being all that were necessary to this End, Religion, as such, was no farther under his Direction. The Consequence is, that no particular Scheme or mode of Religion was under his Care as a Magistrate, 'till he had co-

Oath be the great fundamental Cement of Civil Society, and that multiplying them doth unavoidably tend to dissolve (as it is clear it does) all their Force and Efficacy, such mistaken Politics must prove very fatal to the State. Hence too we may see, it would be as bad Policy, in a contrary Extreme, to dispense with the Religion of an Oath in Matters of highest Moment, out of Indulgence to tender Consciences. But that which shews such Indulgence to be pernicious to Society, shews the Claim to it to be vain and ill founded; there being no Exemption, on Pretence of Conscience, from the necessary demands of Society. And for Politicians to let one Part of their fellow Citizens loose from the Religion of an Oath on the most indispensable Occasions, and to tye up the rest so closely by it, and even for trifles, looks as if they had the same Notion of the *moral* World, that certain Philosophers have had of the *natural*: and that the quantum of Oaths in Society, was like the quantum of Motion in the Universe, always to be kept the same; and a want in one Place to be made up by an abundance in another.

venanted

venanted and compacted to that Purpose; as we shall see hereafter. But for a fuller Proof of the Necessity of these *three great Principles* to a State, I refer the Reader to the first Book of *The Divine Legation of MOSES*; where he will find the Cavils of Mr. Bayle against that Necessity confuted at large.

THUS it is seen, that tho' the Conservation of these Principles belong to the Magistrate, it is not because they make a part of the Civil Institution, (for this would be violating the Unity of its End,) but as they are the very Rock and Foundation on which the Edifice of a Commonwealth is built. Nor is it, for that, the less within the Province of the Magistrate. It was equally the concern of the antient *Ædiles* at Rome to see to the support of the Foundations as well as to the repair of the public Buildings erected on them. Nor is this Distinction made without Reason. For if the Care of these Principles were within the Magistrate's Jurisdiction, as making part of the Civil Institution, his Office would extend to the *Care of Souls*; and then I can see no Reason but that more, with equal pretence, might enter in, 'till the whole of Religion devolved upon him. And how mischievous this would be to the State, and how much more mischievous to Religion, the following Discourse will amply demonstrate.

But if these Principles are within his Care only as they are the Rock on which Society is erected, there is then abundant Reason why it should not be enlarged. And yet many Policies, both ancient and modern, by a preposterous kind of Architecture, that enlarges the Foundation at the same time that it narrows the Superstructure, have so surrounded the Commonwealth on all Sides with this Rock, that it puts one in mind of the old Punishment of immuring Malefactors within four Walls. For a mistaken Regard to Virtue and Religion hath, in all Ages, disposed the Magistrate to deviate from his proper Office; 'till at length the Care of the Soul got the upper Hand of that of the Body, in his Administration; to the infinite Damage of Mankind in all his Interests.

Tho' one may easily conceive the Magistrate industriously propagating this flattering Delusion, in order to add Power to his Office, and Veneration to his Person; yet, I am persuaded, Mistake first introduced this Mischief; tho' Fraud might, perhaps, contribute to support it. Because I find the Error to have spread itself even into those Communities where public Liberty, and consequently where public Good, have been most aimed at, and effected. Which hath so riveted the Mistake, in the Minds of some, concerning the Magistrate's real Office,
that

that they have even ventured to accuse the wisest Administrations of Injustice: For, borne away with the common Notion that his Office extended to the Care of Souls, and finding the best Institutes of Civil Laws framed with a manifest Disregard to that Care, they have rashly censured them for Carnality and Irreligion.

To vindicate such Constitutions, and to remove this only Objection to the Principles here laid down, it may be proper to trace up, from their Original, the several Causes that have concurred to the Mistake of the Magistrate's real Office: By which it will be seen, that what makes most for it, its *Antiquity*, only proves the *Inveteracy* of the mistake.

I. THE first ground of this Error was the confused Mixture of Civil and Religious Interests, to which the Magistrate, in the Execution of his Office, had his Regard attached. This several Causes had in several Ages contributed to effect.

AS FIRST, In the Infancy of Civil Society, Fathers of Families, (who were wont to execute the Office of the Priesthood) when they advanced, or were called up, to the Administration of public Affairs, carried that sacred Character with them into the Magistracy: And
continued

continued to execute both Functions in Person. So that the *Care of Religion*, which was thus by *Accident* attached to the *Person* of the Magistrate, would naturally in time be thought inherent in his *Office*.

SECONDLY, Most of the antient Law-givers, and Institutors of Civil Policy, having found it necessary, for the carrying on their respective establishments, to pretend to Inspiration, and the extraordinary Assistance of some Godⁿ, unavoidably mingled and confounded Civil and Religious Interests with one another; so as to animadvert on Actions not only as *Crimes* against the *State*, but as *Sins* against that *God* who patronized the Foundation; and consequently, sometimes, to make their Adjustments and Proportions between the Action and the Punishment rather according to this latter estimate.

THIRDLY, PAGAN RELIGION had for its *Subject* not only each Individual, the *natural Man*; but likewise the *artificial Man*, Society; for whom, and by whom, all the *public Rites* and Ceremonies of it were instituted and performed°. So that here the Care of Religion became the Care of the Republic: The Consequence of this was, that Religion held the

ⁿ See *The Divine Legation of MOSES*, Book ii. § 1.

° *Ibid.* Book ii. § 1.

Government in Partnership; and nothing was consulted or executed without the Advice of the Oracle. Prodigies and Portents were as common as Civil Edicts; and bore as constant a Share in the public Administration.

FOURTHLY, In after Ages, when the Roman Emperors became CHRISTIAN, agreeably to the Zeal of new Converts, they made the *Civil Institutes religious*, by introducing Laws against *Sin*; in which, as they were told by their Teachers, they were not only authorized, but directed, by the Examples and Precepts of that SCRIPTURE which they professed to believe. This greatly contributed to confound the Distinction between a Church and State. However, this false Judgment did not owe its birth to the *Christian* Religion, where this Distinction is so marked out and enforced, as not easily to be mistaken; but to the *Jewish*, in which those Societies were consolidated, and, as it were, incorporated. For there they saw, in a Civil Policy instituted by God himself, and therefore to be esteemed most perfect, and, of course, worthy the Imitation of all Magistrates who professed themselves the Servants of that God, they saw, I say, *Sins* and *Crimes* equally within the Magistrate's Jurisdiction. They did not reflect that *that* Jurisdiction was the neces-

fary Consequence of a THEOCRACY^p, a Form of Government different in kind from all human Policies whatsoever.

FIFTHLY, In these later Times, when the great Separation was made from the Church of *Rome*, in the fifteenth and sixteenth Centuries; the People, in most Places, except in *England*, procured for themselves their national Reformation, supported by their Ministers, whose Heads were full of the *Jewish* Dispensation ill understood. And, in some Places, it being the Fortune of the State, as well as Church, to be new modeled, it was no wonder that, under such Artificers, a ridiculous Imitation of the *Jewish* State should be affected; and, consequently, that the Magistrate should shew a greater attention to restrain *Sins* than *Crimes*. And here I cannot but, with much Grief, observe, that this wrong Judgment was not only pernicious to Civil Society, but highly injurious to the Interests of the *Protestant Religion*. It did indeed contribute more than any thing besides to re-establish *Po-pery*, which was then shaken even to what it self calls, it's very CENTRE OF UNITY. It put a sudden stop to the glorious progress which the *reformed Religion* was then making throughout *Europe*, from *East* to *West*. For the well disposed Princes on the Continent finding, in the

^p *Div. Leg.* Book v.

reformed Ministers, a pragmatic Spirit which was for modeling the State as well as Church, on their own Theologic Standard, adhered, or fell back, to the Papal Power: as preferring an Ecclesiastic Tyranny they had been used to, before a new one, whose Principles threatened an entire Subversion of the established Policies. The excellent *Grotius* shall be my Warrant that I have given no injurious Account of the Conduct of the *reformed* Ministers: who, in the History of his own Country, has exhibited to us a very lively Representation of this whole Scene. Speaking of the *Establishment* of the *reformed Religion* by the *States of Holland* he says: — “Recepta PUBLICÆ disciplina, quæ Genevæ
 “ & in Palatinatu Germaniæ passimque alibi
 “ docebatur: hoc tamen interest, quod ejusdem
 “ religionis ALII *diversas minus tolerant*: QUIPPE
 “ NON IN HOC TANTUM ORDINATAS A DEO
 “ CIVITATES AC MAGISTRATUS DICTANTES UT
 “ A CORPORIBUS ET POSSESSIONIBUS INJURIÆ
 “ ABESSENT, SED UT, QUO MORE IPSE JUSSIS-
 “ SET, EO IN COMMUNE COLERETUR; CUJUS
 “ OFFICII NEGLIGENTES MULTOS POENAM, ALI-
 “ ORUM IMPIETATI DEBITAM, IN SE ACCER-
 “ CISSE. Contra, istæ nationes non modo,
 “ &c.”

Annales de Rebus Belgicis, lib. ii. Anno 1572.

NOR

NOR was *England* altogether free from the Effects of this Disorder. For those amongst us who were called *Puritans*, having, during the distressed State of Religion at home, been obliged to reside abroad amongst these new Modelers of Church and State, imbibed their ruinous Notions of Reformation: and returning home, on the Approach of better Times, began early to enforce their Whimsies to the Disturbance of their own Country, 'till *Hooker*, in his immortal Book of *Ecclesiastical Policy*,
put

It is very true that the new modeling *ecclesiastical* Government was the principal Point debated in that famous Dispute: But then the *Puritans* contended for that Reformation on Principles that equally concluded for a Reformation in the Civil likewise: And this, Mr. *Hooker* well understood, when he took so much Pains to overthrow their fundamental Maxim, the *Head Theorem*, as he calls it, of their Scheme:—
That the Scripture of God is in such sort the Rule of human Actions that simply whatsoever we do and are not by it directed thereunto, the same is Sin. Now who sees not that this Principle pursued, brings on, directly and necessarily, a Reformation of the Civil Government upon *Jewish* Ideas? The very Error of the reformed Ministers of that Time. This, as we say, was not hid from the Penetration of this great Man, *The Reason*, (says he, in his Preface,) *wherewith you would persuade that Scripture is the only rule to frame all our Actions by, are in every Respect as effectual for Proof, that the same is the only Law whereby to determine all our Civil Controversies: And therefore to root it out for ever was the main reason, I suppose, why, in a particular Dispute, he goes so far back as to give a long Account of the original of Laws in general, their several*
Kinds,

put a Stop to this religious Frenzy. So that the Spirit of *Purity* seemed now to be subdued: When, towards the Conclusion of our last unhappy Civil Wars, the famous Mr. *Baxter* took Advantage, on the Ruins of the Constitution, to write his Book *of the Christian Commonwealth*.

II. A SECOND Cause of this Error arose from what is called the *Establishment of Religion* in the State. There never was a Civil Society, ancient or modern, but what had a RELIGION BY LAW ESTABLISHED. Which arising from a League or Union between the Civil and Religious Interests, it receives a delegated coercive Power from the State; which, instead of applying to the Promotion of their joint Interests, as was the Intention of the Trust, it is too apt to divert to the support and increase of it's own. But of this, more hereafter. Now, one Error arising from such *Establishment* was, that these Powers of the Civil kind, which the Religious Society, in such Circumstances exercised, were inherent in it: And those who fell not into this, but saw it was an intrusted Power, borrowed from the State, yet ran into an opposite; namely that the restraining *Sin*, which was

Kinds, and their distinct and contrary Natures.—But the best Comment on this *Puritan* Principle are their Actions, when in Power. They once had that Power.—Their use of it is well known.

aimed

aimed at in the right Application of this *borrowed* Power, was one of the natural, essential Tendencies to which the Civil Magistrate, as such, should *himself* direct that Power. Whereas, indeed, such Application was only the result of that Union between the Civil and Religious Interests.

III. A THIRD Cause of this Error was, That, tho' in many Cases, the Malignity of an Action varies, according as it is applied to Civil or to religious Interests; and that the Direction of Civil Laws is generally regulated on the Degree of Evil the Action occasions to the State; yet, very often, too, the Degrees are the same, and the Malignity of the *Sin* and *Crime* is equal. In this case, therefore, it could not be seen, which was in the Legislator's Intention to punish; the *Crime*, or the *Sin*. And so the People concluded that both were in his view. Add to this, that these two complex Modes, having, in their Composition, many simple Ideas, common to both, were not easily seen to be, what, in reality, they are, two distinct Modes, but thought, only two Terms of one and the same: Which would very much help forward the Error whose Original we are here deducing.

IV. BUT the last general Cause we shall assign of this Error, was the Magistrate's Punishing,
and

and by a just exertion of his Power, some immoral Actions, *as Sins*: and even restraining *speculative Opinions*. We have observed, that the only bond of Society amongst Equals is the Sanction of an *Oath*, as it is an appeal to Heaven, the Avenger of Falshood and Injustice. And *Common Swearing* directly tending to destroy the Reverence due unto it, all States have concurred to punish that Impiety. But an Oath derives it's Force and Virtue from those Three great Principles of Natural Religion, *The Being of a God,—His Providence,—And the essential Difference of good and evil*: Which therefore come within the Office of the Civil Magistrate to support. Now the People seeing moral Actions, as they regard the Deity, and speculative Opinions, as they regard Truth, (the two Parts which make up Religion, in the largest Sense of the Word) under the Magistrate's Jurisdiction, and not conceiving the reason, as here explained, concluded that the whole of Religion was under his Care and Direction^s.

CHAP.

^s After all this, one would not have expected to find the following paragraph, in the 4th Vol. of the late Bishop of London's Sermons, as the last result of his thoughts on this Question, tho' they were the first in which he had been brought up. — “ If the FATHER OF A FAMILY has his Authority from God, and rules not only over his own Children, but the Servants and Creatures of the Almighty, and ought therefore to have a Concern for God and Religion;

CHAP. V.

Of the Nature and End of Religion.

HAVING thus explained the Nature and End of CIVIL SOCIETY, together with the Origin of those Errors which Men and even States, in every Age, have been apt to entertain concerning

“ligion; is the Case of the MAGISTRATE different? Are
 “not his Subjects also the Servants and Creatures of God?
 “And is he not the Minister and Vicegerent of God, and
 “therefore bound, IN THE FIRST PLACE, to have a regard
 “to his Honour, who is the common Master of him and his
 “Servants.” p. 377-8.

All this is so loosely expressed, that without returning to the Bishop's original Principles, one can hardly divine what he would be at. For did any Magistrate, who believed a God and his Government, ever hesitate *to have in the first Place a regard to God's Honour?* Our Duty to God ever taking place of the two other Branches of Morality, those which regard our Neighbour and ourselves. Or did any Subject ever quarrel with the Magistrate on Account of that Preference? We must conclude therefore, that the Bishop, in this Paragraph, would insinuate (for, at this time of day, no Man, who had regard to his own Character, would venture to do more) *That Religion, as such, is properly within the jurisdiction of the Magistrate, as such.* A long contested Question; and which, this Chapter is employed to confute.

Taking this to be the Bishop's Meaning, let us see how he supports his Position. THE FATHER OF A FAMILY (says his Lordship) *having his Authority from God, to rule not only over his own Children but the Servants and Creatures of the*
Almighty,

concerning it, I come in the next place, as I proposed, to treat concerning RELIGION ;

WHOSE

Almighty, ought to have a concern for God and Religion. THE MAGISTRATE'S COMMISSION IS THE SAME: therefore the Magistrate is in the first Place to take care of their Religion. The Argument, we see, supposes, that the Office of *Father* and *Magistrate* is the same, and derived from the same Root and Original. If this be not true, the Argument falls to the Ground. But no man, unless he be a Follower of *Filmar*, and a Maintainer of the *Divine Hereditary Right* of Kings, will pretend to say that *PATERNITY* and *MONARCHY* are equally derived from the same Source. Those who have exploded the Doctrine of *Passive Obedience and Non-resistance* tell another Story. They say, that Fathers and Patriarchs must remain Fathers and Patriarchs ; and can never either ripen or degenerate into Kings, as coming from a very different Stock : That these latter arose from Compact, and were the Creatures of the People : That the Will of God, discoverable by natural Reason, gave the immediate Right to *FATHERS* ; and that the Will of Man, discoverable by human Actions, gave the immediate Right to *KINGS* : That both, indeed, are the *Ordinance of God*, as all things are which have a natural tendency to better and improve Humanity. But, to infer from thence, that the Rights annexed to one *Ordinance of God* belong to another of his Ordinances, (tho' of quite a different Nature and Original) is illogical and inconclusive. Nay even supposing that *Paternity* and *Monarchy* were both the *Ordinance of God* in the same and supreme Sense of an Ordinance, immediately and extraordinarily revealed from God, it would by no means follow, that the Offices of *Father* and of *King* were the same ; nor consequently the Administration of those Offices. The English Monarch, by the self-same *Ordinance*, commissions a Chief-

WHOSE End is first, *to procure the Favour of God*; and secondly, *to advance and improve our own intellectual Nature*.

As to the *first* End, the *Favour of God*, this, Common Sense informs us, one Man cannot procure for another; nor hinder him from procuring for himself; for as Integrity of Heart is what alone recommends us to his Favour, every one hath this in his own power. It is evident, then, that Man, in his *religious* Capacity, had no Occasion to constitute a Society for procuring for himself the *Favour of God*; as he had occasion in his *social*, to secure to himself the Enjoy-

Justice and a Captain-General. Has the Chief Justice therefore a Right to preside in a Court-Martial, or the Captain-General, in the King's Bench? With just as much Reason as the Supreme Magistrate directs and orders the Religion of *God's Creatures*, amongst his Subjects, because a Father of a Family directs and orders the Religion of *God's Creatures*, amongst his Children. As in God's House in Heaven there are many Mansions for those who deserve them; so in God's Household here on Earth there are many Offices for those who are capable of discharging them; in which, each has his distinct, and not one common business, tho' the End of all be the same, the Benefit of Mankind. But to suppose this End may be best obtained by each Society's aiming at all the Good they are, by any Means, capable of promoting, is so idle a Fancy, that it would be the ready way to do no good at all. Since each Society would clash with another, and all of them remain unfix'd for what they undertake.

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ment of his Liberty^t. If, therefore, as a Religionist, he entered into Society, it was for a Reason different from that for which, as a Civilist, he constituted a Commonwealth; that is, it was not to guard himself against the Malice of Man.

AND this leads us to consider the *second* End of Religion, namely *the Advancement and Improvement of our* INTELLECTUAL NATURE. Now this, we can as easily conceive how a Number of *Religious* Beings confociated may advance, as we can how a Number of *Secular* Beings confociated may advance and improve our ANIMAL NATURE, the *secondary* End of Civil Society.

To see the Necessity of forming this Society, we are to consider how the *intellectual Nature* is improved by Religion.

RELIGION, as an Act or Exercise regarding its Object, is a Commerce and Intercourse with the supreme Cause of all Things. Which consisting, on our Parts, in suitable Sentiments,

^t Regium Imperium quietem publicam, Episcoporum sollicitudo felicitatem æternam hominibus procurat, testante Apostolo. Reges sæcularibus, Pontifices spiritualibus ordinandis se impendunt. Quamdiu neutra potestatum in alienos limites infiliet, mutua concordia res Christiana amplificabitur. —Soli Principi potestas in hæc terrena & temporalia imperandi asseritur, ut Ecclesiæ sacra & spiritualia procurandi. *Marca, lib. 2. c. 1. F. T.*

raised in us by *Contemplation on his Nature, and on the Relations we stand in towards HIM* the proper and adequate Object of all dependent Beings, must needs advance and improve our *intellectual Nature* to its utmost height.

BUT now it may be asked, whether this Intercourse, as it begins, so likewise, it should not end in mental Exercise; and, consequently, whether Religion be not, what *many* seem now disposed to think it, *but a kind of divine Philosophy in the Mind*; which composes only a *spiritual and mystic Body* of its Followers? For if this be indeed the Case, there is an End of all *Religious Society*; this species of a Religion neither standing in need, nor being capable of such a Community.

To resolve this Question, we are to consider, that, as RELIGION is an Intercourse with the Creator and Governor of all things, it is the Object of all rational dependent Beings. Now we can easily conceive how a mere *mental Religion* may fit the Nature of pure immaterial Spirits, of which doubtless there are innumerable Degrees within the vast Limits of the Universe. But Man being compounded of two contrary, tho', by the divine Skill, united Natures, *Soul* and *Body*, it seems necessary, at first Sight, that Religion *here*, should partake of the Character
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of its Subject, and be composed equally of *internal Meditations*, and *outward Acts and Offices*. This will appear on considering his *Nature* as resulting from this Composition; and the *Situation* in which Providence hath been pleased to place him. To fit us for the Station here assigned us, it was seen proper, as we find by Experience, that the Passions of the Mind should be greatly influenced by the Temper of the Body; in which Covering likewise, the intellectual Faculties should be so enveloped as to render vain all Attempts of emancipating ourselves from the Body, while our Business was in this gross material World. Now how unfit such Beings are for a mere *mental Religion* appears evident from the very State of the Case. Experience likewise hath constantly confirmed these Observations. For whenever Men, by a mistaken Aim at Perfection, have endeavoured, in their religious Exercises, to defecate the Grossness of Sense, and soar up into the Region of pure Ideas, it has been found that just as the Temper and Constitution was, so has been the Consequence and Issue: If *cold* and *phlegmatic*, their Religion has sunk into Quietism; if *bilious* or *sanguine*, it has flamed out into all the Frenzy of Enthusiasm.

BUT further, our Station and Circumstances here, contribute to render our natural Incapacity,

city, for such a mental Religion, still more invincible. The Supply of the Necessities and Conveniencies of Life, thro' all our Intercourses for the Satisfaction of those Necessities and Conveniencies, subjects us to perpetual Converse with the most sensible and material Objects. But often repeated Converse produces HABITS. And of what Force Habits are in keeping the Mind bent their Way; and how obstinately they adhere, when we endeavour to get free of them, is as well known, as it is with difficulty remedied. Now these Habits are so opposite, so averse to, so incompatible with mental Contemplation, that, to do even so much this Way, as the very Effence of Religion requires, we must bribe Sense and Matter, and draw them against themselves, to assist us in the rational Offices of Religion. If we add to this, that the common People, who compose the gross Body of Mankind, and for every Individual of which, Religion is intended, are, by their Station and Employments, most immersed in Matter, we shall need no further Proof, that a mere mental Intercourse with God, which makes Religion only a *Divine Philosophy in the Mind*, is altogether unfit for such a Creature as Man in his present Station upon Earth.

BUT supposing all these Impediments of ideal Devotion to be away; yet if Men be not so
far

far spiritualized as to give and receive an intuitive Knowledge of one another's mental Acts of Religion, still such a Religion would not properly fit them. Because, to the due Exercise of Religion it is required that open Profession of it be made by each Individual, so as to be seen by others. For, that Reason which tells us it is our Duty to acknowledge all the Relations in which we stand towards God: The same tells us, it is equally our Duty to make those Acknowledgements public. Again, of the Blessings, Providence bestows upon us, some are particular to the Individual, and others common to the Species. Now, as Return of Thanks is due from each Man for the Blessings he has received in particular; so Reason tells us, that for those bestowed on Mankind in common, a joint Return should be made, by as many of the Kind together as can conveniently assemble for this Purpose.

FROM what has been said then, it appears, that such a Religion as is suitable to the Nature of Man, HERE, must have *our Meditations on the Divine Nature* drawn out into ARTICLES OF FAITH; and *our Meditations on the several Relations in which we stand towards Him* digested into suitable and correspondent ACTS OF RELIGIOUS WORSHIP; and both of them to be professed and performed in common. Which Things,

Things, as we shall now shew, require the Aid of a SOCIETY to regulate and establish.

1. *Opinions* concerning the Nature of the Deity so entirely influence all Religious *Practice* that *this* invariably takes its Character from *those*; and becomes more or less perfect as *those* are nearer to, or further from the Truth^u. On which Account the greatest Care is to be taken to preserve Opinions pure and untainted. But this cannot be done but by a SOCIETY; as we may understand from the very mention of those two Ways which all such Societies have ever put in Practice. 1. By reducing Men's Belief into one common Formulary. And 2. By making the Profession of that Formulary the Term of Communion. For by this means there is a *Summary of Belief* in Aid of the Ignorant; and a *common Repository* that Men may always have Recourse to for Information. Where it is to be observed, that the wider the Bottom is made, and the more general the Terms of Communion, (consistent with the being of a Society) the wiser and juster is that Religious Institution.

2. THE several *Acts of Religious Worship* are correspondent to the Sentiments arising in us from our Meditation on the several Relations we stand in towards God; and instituted with De-

^u See *Plato's Euthyph.*

sign to aid and improve those Sentiments. Now, as Meditations, not tempered with these outward Acts, are apt, as we have shewn, to fly out into *Entkufiasm*; fo outward Acts not regulated by, nor adapted to those Meditations, are as fubject to degenerate into a childish unmeaning *Superftition*. And, how much Enthufiasm depraves all the Faculties of the Mind, how much Superftition difhonours the Service of our Maker, is difputed by no one acquainted with the Nature and Effects of thefe direful Evils. The greateft Care therefore is to be taken, that the *folemn Acts of Religion* be preferved *fmple, decent, and fignificative*. But then this can be done only by providing Perfons fet apart for this Office; whofe peculiar Employment it fhall be to prefide in, direct, and fuperintend the *Ritual of Worfhip*, left any thing childish, profane, or fuperftitious fhould (as it certainly would, if left to every one's Fancy) obtrude itfelf into *religious Service*. Now public Officers and Minifters muft act by fome *common Policy*, which may regulate and fettle their feveral Employments, Powers, and Subordinations. But that *Policy* is no other than the Laws of a Society properly fo called.

WHAT hath been here faid is fufficient to manifefit the Divine Wifdom of the *Author and Finifher of our Faith*, who, revealing the Will
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of his heavenly Father to Mankind, actually formed our holy Religion into a Society, on a common Policy, with public Rites, proper Officers, and a Subordination of the Ministry. So that tho' we had not proved that Religion forms a Society by *Nature*, from whence arises the Equity of an *Established Religion* at large: yet we now find it doth so by *Institution*, which justifies an *Establishment* wherever the Religion professed is the Christian. But, how certain soever it be that *Religion composes a Society by Nature*; nevertheless we may at the same time see, from a remarkable Circumstance, in the Rise and Progress of the People called *Quakers*, how little the plainest Truths are secure from Contradiction. These Men, in spite of the Records of Sacred History which assure us, that *Jesus* instituted a Rule and Government, and formed his Followers into a *Church* or Society, yet regard *Christianity* as only a kind of Divine Philosophy in the Mind, it being the fundamental Principle of this Sect, *That there is no other Reason or Measure of Compliance or Conformity, in Matters relating to God, than the Conviction of the Light and Spirit of Christ in every Conscience.* But here lay the Mischief; the very *Principle* on which this wise Sect was formed, had a necessary tendency to its immediate Destruction, reducing all aggregate Bodies to a mere heap of Sand. And in fact it was running
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into all the Confusion which is necessarily produced by such a Principle, when PEN and BARCLEY arose to lick this Abortion into Shape. *Pen* soon perceived that no Sect could subsist on such a Principle; and therefore set upon convincing his *Friends* of the necessity of some common Policy: But perceiving that if he should insist on that Necessity for the Sake of *Religion*, he should too openly contradict their darling Principle; he argues for this common Policy from the Benefits resulting from it to *Civil Life*: And thus, instead of a *Church*, he hath helped to make *Quakerism*, considered in its Discipline, a *Civil Community* or *Corporation*: And such indeed it is at present in much Perfection. A memorable Instance, that Truth rarely fails of requiting its Opposers: While these very Men, the most averse to every Thing that looks like a Church, or Church-Policy, have by their Use of it, under another Name, borne, before they were aware, the strongest *Testimony* for its necessity.

I. RELIGION thus composing a Society, we are now to consider what kind of Society it is. First then it must needs be SOVEREIGN, AND INDEPENDENT ON THE CIVIL^a. Natural Dependency

^a Regnum & Sacerdotium distinctas potestates in suo quaque ordine supremas esse—omnia monumenta clamant, &c.

pendency of one Society on another, must arise either from the *Law of Nature* or of *Nations*.

DEPENDENCY by the *Law of Nature* is from *Essence*, or *Generation*. Dependency from *Essence* there can be none. For a Dependency arising from thence is a Mode of natural Union and Coalition; and Coalition only there exists where an Agreement is found in *eodem tertio*; but there being no such Agreement to be found between two Societies essentially different as these are, there can possibly be no Dependency: Now this essential Difference is evident from their having *different Ends and Means*; the ultimate End of Religion being the Care of Souls; and the ultimate End of Civil Society the Care of Bodies; and the Means of that being by *external* Operation; and of this, by *internal*. Dependency which arises from *Generation*, is where one Society springs up from another, as Corporations, Colleges, Companies, and Chambers in a City. These, as well by the Conformity of their Ends and Means, as by their Charters of Incorporation, betray their Original and Dependency. But *Religious Society*, by

Defensio declarationis celeberrimæ quam de potestate ecclesiastica sanxit clerus Gallicanus 19 Martii 1682 ab illust. ac Reverend. JACOBO BENIGNO BOSSUET, Meldensi Episcopo, ex speciali jussu Ludovici Magni Christianissimi Regis scripta & elaborata, l. 5. c. 3. F. T.

Ends and Means entirely different, gives *internal* Proof of its not arising from the State; and we have shewn ^b, by *external* Evidence, that it existed before the State had any being.

AGAIN, no Dependency can arise from the *Law of Nations* or the Civil Law. Dependency by this Law is, where one and the same People composing two different Societies, the *Imperium* of the one clashes with the *Imperium* of the other: For, in such Case, the lesser Society, by that Law, becomes dependent on the greater; because the not being dependent, would make that great Absurdity in Politics called *Imperium in Imperio*. But now Civil and Religious Society having Ends and Means entirely different; and the Means of *Civil* Society being *coercive Power*; which Power, therefore, the *Religious* hath not ^c; it follows that the Administration of each Society is exercised in so remote Spheres that they can never meet to clash; and those

^b See *The Divine Legation of Moses*, Book iii. § 6.

^c Verum dominatum esse penes Reges, non autem penes Sacerdotes—in Legibus Ecclesiasticis locum non habere summum imperium, in quo ordo imperandi & parendi id exigit, ut subditi dominorum mandatis cedant, quemadmodum Apostoli disertissime docuerunt.—Dominus Ecclesiasticam potestatem & regiam componendo, Apostolos allocutus hæc verba protulit, “Reges gentium dominantur eorum, vos autem non sic.” *Marca, in præfatione secunda.* F. T.

Societies which never clash, Necessity of State can never bring into Dependency on one another.

INDEED, were the common Opinion true, which we have been at some Pains to confute, *That the Magistrate's Office extended to the Care of Souls*, it would then follow, from what hath been said of Dependency from *Essence* and *Generation*, that the Religious Society was subservient to, and a Creature of, the State: For then it could not be reasonably thought constituted but by the Magistrate; and constituted by him to serve and help him out in the Discharge of his Office; who might have endowed his Creature, the Church, in its first Constitution, with what Powers he thought proper. *Hobbes* and his Followers pushed this Matter home. They supposed that, if indeed there were any Soul to be taken Care of, the Care naturally devolved upon the Civil Magistrate; who, by Delegation, might transfer it on proper Officers, commissioned by him to model, and bear rule in, a Church. And because somebody or other at that Time chanced to think, that the People were the Keepers of the King's Conscience^d; he, who, above all things, loved Contradiction, would needs have it that the King was the Keeper of the People's.

^d See the Story of the Earl of Strafford.

ON the other hand, *did the Care of the Religious Society naturally extend to the Body and its Concerns*, then would the *State* run the Risque of becoming dependent, and a Creature of the Church. For *Religious Society* having the noblest Province, the Care of Souls; and the most extensive, when the Care of Bodies is joined to it; and pretending for the most part, and sometimes really having, a *divine*, while the State has only a *human Original*; as greatly as the *spiritual* excels the *corporal*; and the *Whole* is more than a *Part*; and *divine* Authority is above *human*, so high would Men deem the *Religious Society* to be above the *Civil*: And that Superiority which the Church would thus assume as of *Right*, she would find within herself a *Power* to maintain. For the Care of Bodies necessarily implies an inherent *coercive* Power in whatever Society that Care is found.

AND, in effect, these Conclusions have been long ago reduced to Practice under the *Christian* Religion. For the Church of *Rome* having entertained this extensive Idea of a Religious Society, she has, consentaneously thereto, exalted *the Chair Apostolic* far above the Thrones of mere earthly Potentates^e; of whom she has

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^e In the Quarrel between Boniface the VIIIth and Philip the Fair of France, concerning the Bounds of Civil and Eccle-

required and received Homage; and once bid fair for making that Homage universal. For she would persuade us, as it should seem, that when *Jesus* said, *His Kingdom was not of this World*, that he had before transferred it, with the Keys of the other, to *St. Peter*.

BUT this, however, is worthy our Observation, that, as different Ways as the *Hobbeist* and *Papist* look, in Speculation, they tend to the same Point in Practice. For tho' the *one* would have the Magistrate discharge his Office only as Executioner of the Church; and the *other* authorizes him to use his Power as the Maker and Creator of it; yet they equally concur in teaching it to be his Right and Office to domineer over Conscience. What they differ in, is only a Point of Ceremony.

II. WE come now, in the second Place, to shew *that this independent Religious Society*, HATH NOT, IN AND OF ITSELF, ANY COERCIVE POWER

Ecclesiastical Jurisdiction, the Pope roundly affirms that to deny the *Temporal* to be subject to the *Spiritual* is falling into the Manichean Heresy, or the admission of its *two Principles*. But his Holiness might trust to his Logic at a time when the Learning of the whole Body of the French Nobility was in so deplorable a State, that the College of Cardinals, writing to them on this Occasion in Latin, advises them (with a true Irish Kindness) to get some honest Man to translate the Letter, for them, into French.

OF THE CIVIL KIND^f; its inherent Jurisdiction being in its Nature and Use entirely different from that of the State. For if, as hath been proved, *Civil Society* was instituted for the attainment of one species of Good, all other Good, requisite to human Happiness, being to be attained without it; and that Civil Society attains the Good for which it was ordained by the sole Means of coercive Power, then it follows, that the Good which any other Kind of Society seeks may be attained without that Power: Consequently, coercive Power is unnecessary to a *Religious Society*. But that Means, which is *unnecessary* for the Attainment of any End, is, likewise, *unfit*; in all Cases, but in that where such Means are rendered unnecessary by the use of other Means of the same Kind or Species. But Religious Society attains its End by Means of a *different Kind*; therefore coercive Power is not only unnecessary, but unfit. Again, *Ends* in their Nature different can never be attained by one and the same *Means*. Thus in the Case before us, coercive Power can only influence us to outward Practice; by outward Practice

^f Hoc præcipuum est discrimen inter canonum decreta & Leges publicas, quod illa unicuique Christiano felicitatem æternam parent, & ad eum finem instrumenta accommodata subministrant; hæc vero reipublicæ pacem & singulorum civium, quatenus sunt partes reipublicæ, promoveant, &c. *Marca, l. ii. c. 10.* F. T.

only is the *Good*, which Civil Society aims at, immediately effected; therefore is coercive Power peculiarly fitted to Civil Society. But the *Good* which Religious Society aims at, cannot be effected by outward Practice; therefore coercive Power is altogether *unfit* for that Society.

1. But it may be objected, "That tho' indeed *outward Practice* doth not affect Religion, as it is the Object of each Individual, yet it does affect a Religious Society; *Salvation of Souls*, being the End of Religion, but *Purity of Worship* the End of Religious Society: Now *Purity of Worship* is affected by outward Practice; and to outward Practice is coercive Power fitly applied."

To this I reply, that *Purity of Worship* is the immediate End of Religious Society, and *Salvation of Souls* the ultimate End thereof. Consider then Religious Society, with regard to its ultimate End, and all we have said above of the Unfitness of coercive Power still holds good. Consider it with regard to its immediate End, *Purity of Worship*; and then, indeed, there will appear no Unfitness in the Application of coercive Power. Thus we gain by the Objection, a Concession, which we must otherwise have demanded, as the Foundation of a Claim,
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we always reserved to ourselves, to make in Favour of Religious Society, which is, that it hath in itself the Power of expelling refractory Members from its Body; or, in other Words, *a Right of Excommunication*. Nor is this recalling any thing, we had before given up: for if Excommunication may be properly called a coercive Power, it is yet no coercive Power *of the civil kind*, or what the State could exercise; the sole Power here confessed not to be inherent in a Church. It only then remains to prove, *that this Power is usefully and necessarily applied,—that it is all which Religious Society stands in need of,—and that more is unfit and unjust.*

As the immediate End of Religious Society is Purity of Worship; and as a necessary Means of preserving that Purity is *Uniformity of Worship*; which cannot be maintained but by expelling from the Community all who refuse to comply with what is publickly established, therefore *this Power of Expulsion in every Religious Society is most fit and useful.* But we go further, and say, that every Kind of Society, whatever be its End or Means, must necessarily, as it is a Society, have this Power of Expulsion: It is a Power inseparable from the very Being of Society, which can subsist only in the Conformity of the Will of each natural Member to the Will of that artificial Body which Society produces:

duces: This being violated, as it must be unless all Contraveners be expelled, the Society dissolves, and falls back again into nothing. Just as would be the Case of the natural Body, should not Nature, whose Conduct Societies, in this Case, imitate, evacuate noxious and malignant Humours.

BUT then, secondly, this so useful and necessary Power is *all which a Religious Society stands in need of*. For by the Exercise of this Power, Conformity in Belief and Worship is preserved; which securing the Essence and End of a Church, is all that is necessary to the well being of Society.

IN the last Place, *more* coercive Power than this is *both unfit and unjust* to be exercised by a Religious Society. That it is *unfit* appears from hence: The immediate End of Religious Society being Purity of Worship, it requires outward Conformity, to what is publickly established: And, at the same Time, its ultimate End being the Salvation of Souls, it requires likewise that this outward Conformity be accompanied with a suitable Disposition of Mind; but any further Power than *simple Expulsion* tends naturally to make a Divorce between these two Things. For such further Power *forces*, more or less, to *outward* Compliance with the Community;

munity; but as the Will cannot at the same Time be forced, here is likely to be only outward Compliance, without an inward Disposition suitable thereunto: So that by this Means the ultimate End of Religious Society becomes defeated: Further Power therefore than simple Expulsion is unfit. That further Power is *unjust*, appears from hence: By the Law of Nature every Man hath a Right of worshipping God according to his own Conscience. Now when it happens that a Member of a Religious Society cannot conscientiously join in the public Worship, and be on that Account expelled by the Society, in order to preserve its Essence and End, such Member is so far from being debarred, by that Expulsion, of his Right of worshipping God according to his own Conscience, that he is thereby put into a Way of exercising his Right without Molestation. But if any further Power be allowed, either of keeping such Member within the Society against his Will; or of annexing, to Expulsion, any Mulct on his Person, Goods, or Reputation; in such Case, the Right of Nature is scandalously violated^s: A Force being put upon his Conscience, either

^s Cum ergo & Christus & Apostoli, quo loco explicant ecclesiasticæ potestatis censuræque vim summam, nihil de adimendis temporalibus juribus aut rebus edicant, satis profecto constat non id ad potestatem Ecclesiasticam pertinere. *Bossuet, l. v. c. 23. F. T.*

by direct Restraint, or by obliquely biasing the Determination of his Will. All coercive Power therefore, other than *simple Expulsion*, is unjust.

2. BUT it will be again urged perhaps, that, in thus removing one Objection, we have made way for another; which is, “That by granting a coercive Power to the Church, for such (they will say) is the Right of Excommunication, we destroy the Argument of her Independency by the *Law of Nations*, founded on her having no coercive Power; which Power clashing with the State’s, brings in an *Imperium in Imperio*; to remove which, *that* Law prescribes her Dependency.” This too admits an easy Solution. We say that Civil Society having no Right to reward any of its Members by Admission into a Religious Society; and no Right to punish by excluding from it; the Church’s Exercise of this Power can never possibly clash with the State; and consequently the Argument for its Independency still holds good.

WE are now come round; and have at length proved, what in the Beginning of this Chapter had been asserted, that RELIGIOUS SOCIETY HATH NO COERCIVE POWER OF THE CIVIL KIND: For we have shewn that this Power of Expulsion from a Religious Society, is not a Power which the State can Exercise.

NOR

NOR doth the Denial of a coercive Power make the Church an enervated, defenceless Body, exposed either to the Injuries of those without, or to the Insults of those within: It hath still all the Power and Authority, that, as a Religious Body, it can exercise; all that is necessary to preserve it a regular well ordered Society; in which are Rites and Ceremonies, Ministers with Degrees of Subordination, and judiciary Assemblies: For the Power of constituting a Discipline and a Formulary of Communion, both enforced by Excommunication, will still remain unto it. What hath made some Men apprehend sad Consequences from the Church's being thus left without the Guard of coercive Power, is their seeing it stand possessed of some Advantages, by them supposed essential to a Church, which coercive Power only can secure. But these may be eased of their Apprehensions by being told, that those Advantages are only adventitious^h, and bestowed upon it

^h Nempe utriusque potestatis sancta societas postulabat, ut altera alterius munia in speciem usurparet, ex jure quo amici amicorum rebus utuntur—Quo demonstratur non esse semper pro vero innatoque Ecclesiæ jure reputandum id quod ea egerit, habuerit, decreverit, tacentibus Regibus; sed diligentissime secernenda quæ a Christo concessa sunt, ab iis quæ Regum autoritate, consensu, permissu, conniventia, silentio denique jussit aut habuerit.—Ac tamen si nullæ concessioness producantur, valere tamen ea omnia ex concessione tacita facile

it by the State, in Consequence of an UNION ; and as the State granted these, it granted coercive Power likewise to defend them ; and that, when the *Union* is dissolved, they both fall together, without any essential Damage to the Church, as a Religious Society.

THUS have we endeavoured to establish these *two great essential Characters* of a religious Society, its INDEPENDENCY, and its DISCLAIM OF COERCIVE POWER : Where, it is worth observing, that the Arguments employed to prove that each of these Characters do indeed belong to it, are strongly enforced by the necessary Connexion there is between them. For admit the Religious Society to be *independent*, and you invincibly destroy all Pretence *to coercive Power* ; because coercive Power introduces an *Imperium in Imperio*, which is removed only by destroying the Independency. Admit again, that Religious Society has *no coercive Power*, and you supersede all the State's Claim of *Dependency* : A Claim solely founded on the Evil of an *Imperium in Imperio*, which Evil can arise no otherwise than

cile demonstrabunt. Quid ita ? Quia scilicet ipsa rerum natura docet ecclesiastica non nisi per Ecclesiam haberi posse. Sic ubi Ecclesia feudos adimit, concedit, aut aliud quid ex civili potestate decerpit ; ea civilis potestatis consensione saltem tacita accepta referemus. *Bossuet. Defensio Declarationis, &c.* l. viii. c. 4. F. T.

by

by the Church's Exercise of an inherent coercive Power: And yet these plain, and almost self evident, Principles have had so ill Reception in the World, that They have been overlooked and neglected; while two very different Systems of Church-Government have divided the general Suffrage between them. Different, I say, not only from what is here delivered and explained, but from each other; yet agreeing in this, to make an unnatural Divorce between the two essential Characters, which are here shewn to have an inseparable Connection in Nature, *Independency* and *No coercive Power*: The one giving to the Church this Independency together with coercive Power; and the other stripping and depriving it of both one and the other.

I. THE first of these Systems is that of THE HIGH-CHURCH CLERGYⁱ; which contends for the absolute Independency of the Church, with

ⁱ Archbishop Laud may be called the Father of this Sect: And tho' he made a notable Use of the King's Supremacy to carry on his Schemes, yet that he held the Supremacy to be no better than an Usurpation, appears pretty plainly from these Words of his DIARY, where speaking of his having procured the Lord High Treasurer's Staff for Juxton, Bishop of London, he goes on thus—No Churchman had it since Hen. VII. Time. I pray God bless him, to carry it so that the Church may have Honour, and the King and the State Service and Contentment by it. And now IF THE CHURCH WILL NOT HOLD UP THEMSELVES UNDER GOD I can do no more.

all

all the Prerogatives and Powers it is found to stand possessed of, under an Establishment. If this Error be not sufficiently detected already, the shewing, as I shall do in the next Book, how the Church became possessed of several of its Prerogatives and Powers, now legally enjoyed by it, will abundantly expose it. I will only observe, that this Model, if indeed it be not the true POPISH System a little disguised, is infinitely more irrational than that: Because a Church with inherent coercive Power, which with a false Modesty, stops at mere Independency, obtrudes a Scheme attended with all the Evil of an *Imperium in Imperio*; when going one Step further, and taking the State into Pupilage and Protection, would effectually remove it. Backwards or forwards this System must needs go: For a Church so circumstanced, in order to avoid that Evil, must fall into the State; or the State into it. This the COURT OF ROME plainly saw; and therefore chose the better Part. And a Pretence was not wanting. For an inherent coercive Power, in the Church, necessarily implying a Care of Bodies, as one of the Ends of that Society, (for to Bodies only can coercive Power be rationally applied) all States when employed in this Care, might be fairly understood as only doing Journey-work for the Church. Thus that refined Court chalked out no idle Plan of Power, when, together with the brute Thunder
of

of the *Vatican*, it forged real Fetters for the prostrate and servile WEST^k.

II. THE other System is that invented by, and (I wish I could say) peculiar to THE ENEMIES OF OUR HOLY FAITH; at the head of which stand the two famous Authors of THE RIGHTS OF THE CHRISTIAN CHURCH, and of THE INDEPENDENT WHIG. The *true* Design of these Books is evidently this, to persuade us that the *Christian* and all other Churches, in their natural State, without coercive Power, are Creatures of the Civil Magistrate. For while the *pretended* Drift be to shew from whence an Established Church receives its coercive Powers, the Arguments they employ conclude against a Church's natural Independency in any Condition whatsoever. But it is curious to observe the different Routs this noble Pair of Athletes have taken to arrive at the same Place :

^k The SARACEN CALIFES, from Sovereign Princes, became, as their *Empire decayed*, only Sovereign Pontiffs. The ROMAN POPES, from Sovereign Pontiffs, became, as their *Religion degenerated*, Sovereign Princes. The Reason of this contrary rout was this, Christianity, as it degenerated, partook more and more of the Spirit of Mahometanism : But Mahometanism never admitted of the Spirit of Christianity ; which separates the two Characters of PRINCE and PRIEST ; assigns to each his distinct province ; and gives to each his lawful due.

THE

THE Author of THE RIGHTS comes first.

At, quum aspicias tristem, frugi censeas.

He hath taken up the Argument of *Hobbes*; and affects the tenderest Concern for the Good and Happiness of the State. So that whenever a Church comes in his Way, he falls upon it with the old Battery of *Imperium in Imperio*. But, in this, less honest than that unlucky Philosopher. *Hobbes*¹ owned the Tendency of his Ar-

¹ *Hobbes* is commonly supposed to be an Enemy to all Religion, especially the *Christian*. But it is observable, that in his Attacks upon it (if at least he intended his Chapter of the *Christian Common-wealth* in the *LEVIATHAN*, for an Attack) he has taken direct contrary Measures from those of Bayle, Collins, Tyndal, Bolingbroke, and all the other Writers against *Revelation*. They endeavoured to shew the GOSPEL-SYSTEM as *unreasonable* as their extreme Malice could make it; he as *reasonable* as his admirable Wit could represent it. The Schemes of CHURCH DISCIPLINE likewise, which they and he severally recommended, were by an odd fatality as different as their Representations of the DOCTRINE; but in the reverse, as to their Qualities. They, all of them contended for the most unbounded *Toleration*: He, for the most rigorous *Conformity*. He seems, indeed, to have formed his Plan of *Ecclesiastical Government* before he turned his Thoughts to the *Christian Doctrine*: and therefore as his Politics had enforced an absolute Submission to the Civil Magistrate in Spirituals, he contrived, in order to make it go down the better, to make the object of this Submission as reasonable as possible. Whereas the Others, beginning with the *Christian Doctrine*, which they aimed to render as absurd as possible, very equitably contrived to make it fit easy on their Followers, by a licentious kind of *Toleration* destructive of all *Church Discipline*.

gument;

gument; and inforced it for the Sake of that very Tendency. But this Writer seems willing you should believe that it concludes only against a *High-Church Clergy*.

THE Writer of THE INDEPENDENT WHIG, who appears to have more Vivacity than his formal Brother, is for quicker Dispatch. His ready Road led him on to the Destruction of all *Church Officers*, and the very Being of a *Ministry*: which, that he might the easier bring about, he has represented all public Rites, and Assemblies for Worship, as impertinent; by shewing the natural *Inefficacy of Prayer* for obtaining our Petitions; which again, (for to do him Justice he is very consequential) he establishes on *the Doctrine of Fate*. This he well saw would bring on a thorough Dependency: A Dependency that was like to last; as being produced by the Destruction of the Society itself. And yet, after all this, he hath the honest Confidence to talk of the Church as of a *Society*. But a Society without Officers, Degrees of Subordination, and Powers adapted to its Nature, being as inconsistent, unintelligible an Idea as a House without Walls, Roof, or Apartments; we must conclude that he who so talks, intends to give us a Society in Words, but to deprive us of it in reality.

IN earnest, I do not know a greater Insult ever put on the Understandings of Men than by these two Writers; while it was presumed that the Gloom of Equivocation, which spreads itself thro' the formal *Chapters* of the one; and the Glare of puerile Declamation, that tinsels over the trite *Essays* of the other, could hide their true End from the Observation of those whose Destruction they were conspiring. For, as *Tully* says of the two assassin Gladiators, *Par est improbitas, eadem impudentia, gemina audacia; & ubi, Quirites, multa audacter, multa improbè, multa perfidiosè facta videtis, ibi scelus quoque latere inter illa tot flagitia putatote*^m.

LET the Reader then but attentively consider what hath been here said of the different Natures of Civil and Religious Society, and he will need nothing more than the plain Principles, deduceable from thence, to unravel all the silly Sophistry which makes up the Bulk of these two famous Performances; tho' the first of them, the Parent of the other, hath imposed upon a great Writerⁿ; and, as it is pretended, was planned by the Assistance of one still greater^o.

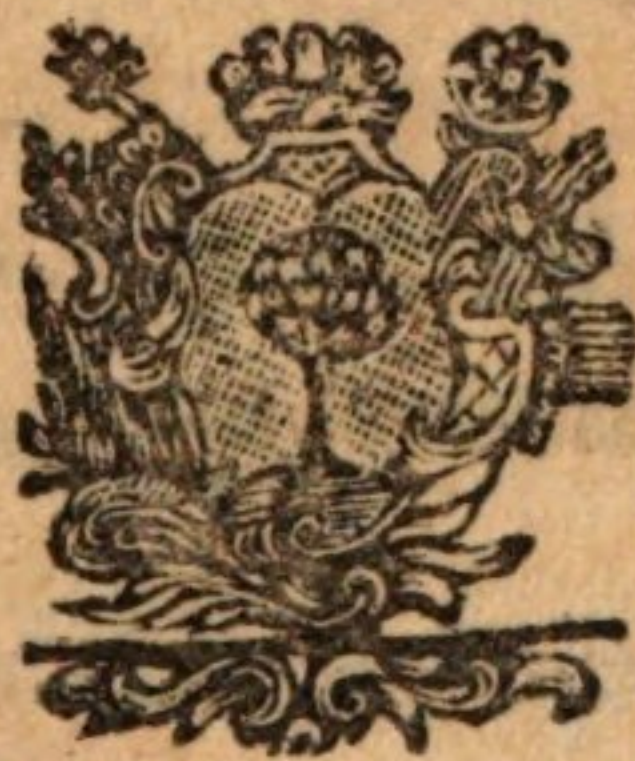
ON the whole, how different soever these *High-Church* and *Freethinking* System-Makers

^m Orat. pro Sex. Ros. Amer.

ⁿ *Le Cerke.* ^o *Mr. Locke.*

would

would have their Notions thought from *Popery* and *Infidelity*, they are unavoidably drawn, by the Alacrity of their own Heaviness, into the very Centers of *Malsbury* and *Rome*; from whence indeed they derived their Birth; but are, I know not how, ungraciously ashamed of their Progenitors.



B O O K II.

O F A N

ESTABLISHED CHURCH.

CHAP. I.

Of the Nature of that Union between Church and State, which produces a Religion established by Law.

HAVING now dispatched the first Part of this Enquiry, and shewn,

I. THE Origin of Civil Society; the natural Deficiency of its Plan; and how the Influence of Religion only can supply that Defect:

II. How all natural and moral Good, and consequently *this* of Religion to the State, may be improved by human Art and Contrivance; together with the Necessity there is of *seeking* this Improvement: And,

III. As the *finding* it depends on an exact Knowledge of a Civil and of a Religious Society,

Their *distinct* Natures and Ends have been shewn and explained.

WE are at length enabled to discover how this Improvement is to be brought about.

For having, by a diligent Enquiry, found,

I. FIRST, *That the Care of Civil Society extends only to the Body and its Concerns; and the Care of Religious Society only to the Soul;* it necessarily follows, that the Civil Magistrate, if he will improve this natural Influence of Religion by human Art and Contrivance, must seek some UNION or ALLIANCE with the Church. For his Office not extending to the Care of Souls, he hath not, in himself, Power to inforce the Influence of Religion: And the Church's Province not extending to the Body; and consequently being without coercive Power, she has not, in herself alone, a Power of applying that Influence to Civil Purposes. The Conclusion is, that their joint Powers must co-operate, to apply and inforce the Influence of Religion, in such a manner as may best serve the true Interests both of Church and State. But they can never act conjointly but in *Union* and *Alliance*^p.

II. SECOND-

^p *Ambas potestates, ecclesiasticam & civilem, ita esse divino numine constitutas, ut in suo genere & ordine unaquaque sub uno*

II. SECONDLY, Having found, that *each Society is Sovereign, and independent on the other*, it as necessarily follows, that such Union can be produced *only* by FREE CONVENTION AND MUTUAL COMPACT: Because whatever is *sovereign and independent*, can be brought to no Act without its own Consent: But nothing can give Birth to a *free Convention*, but a Sense of mutual Wants which may be supplied, or a View of mutual Benefits which may be gained, by it. *Such*, then, is the Nature of that UNION which produceth a CHURCH BY LAW ESTABLISHED; and which is indeed no other than a *politic League and Alliance for mutual Support and Defence*. For the State not having *the Care of Souls*, cannot, of itself, inforce the Influence of Religion; and therefore seeks *Aid of the Church*: And the Church having *no coercive Power*, (the Consequence of its Care not extending to Bo-

uno Deo proxime collocata prima ac suprema fit: collatæ vero invicem, sociæ fœderatæque sunt—ergo ambæ potestates supremæ ac principes in suo ordine, conjunctæque & amicæ, non una alteri per sese subdita, subordinataque est—satis enim claruit duas quidem potestates esse oportere, ecclesiasticam & civilem, quæ principales ac supremæ, & tamen sociæ, conjunctæ & amicæ, ne societas humana distrahatur. Mutuam sibi operam debent, præstantque, & sese mutuo non tantum adjuvant, verum etiam temperant. *Bossuet. L. v. c. 31, 32, & 33. F. T.*

dies) as naturally flies *for Protection to the State*¹.

This being of the Nature of that Alliance which

Grotius calls, FOEDUS INÆQUALE. “ Inæquale

“ fœdus, (*says he*) hic intelligo quod ex ipsa vi

“ pactionis *manentem praelationem* quandam alteri

“ donat : Hoc est ubi quis tenetur alterius im-

“ perium ac majestatem conservare UT POTEN-

“ TIORI PLUS HONORIS, INFERIORI PLUS AUXILII

“ DEFERATUR¹.”

FROM whence it is seen, that, were those common Notions true, which we have been at so much Pains to confute, concerning the Nature of a *Church* and *State*, there could be neither *room* nor *motive* for this *Alliance*. Were they not *independent on each other*, there could be no ROOM ; because *Freedom of Will*, the very Essence of this Alliance, would be wanting on one Part : And had the *State the Care of Souls*, or the *Church the Care of Bodies*, there could be no mutual MOTIVE ; for, in the first Case, the State, by

¹ Hæc extant præclara Arnulfi Lexovensis Episcopi verba,
 “ Dignitas ecclesiastica regiam provehit potius quam adimit
 “ dignitatem, et regalis Dignitas ecclesiasticam conservare po-
 “ tius consuevit quam tollere libertatem. Equidem quasi
 “ quibusdam sibi invicem complexibus Dignitas ecclesiastica
 “ & regalis concurrunt ; cum nec reges salutem sine Ecclesia,
 “ nec Ecclesia pacem sine protectione regia consequatur.”
Ma ca, L. ii. c. 12. F. T.

¹ *De Jure Belli & Pac. Lib. i. cap. iii. § 21.*

its own Authority, might apply Religion to Civil Purposes: in the latter, the Church, having, in Consequence of the Care of Bodies, an inherent coercive Power, might, by its Authority, provide for its own Security.

AN ALLIANCE then, by *free Convention*, being in its Nature *such* that each Party must have its Motives for contracting; our next Enquiry will be, first,

I. WHAT those Motives were, which the State had for *seeking*, and the Church for *accepting* the Offers of an *Union*. And, secondly,

II. WHAT were the mutual Benefits and Advantages arising therefrom.

By the *first* Part of which Enquiry, we hope to make it appear, THAT THIS ALLIANCE WAS INDISPENSABLY NECESSARY FOR SECURING THE WELL BEING AND HAPPINESS OF CIVIL SOCIETY: And by the *second*, THAT NO COMMON RIGHT OF MAN, CIVIL OR RELIGIOUS, IS IMPEACHED BY IT. To demonstrate *which* is one of the principal Ends of this Discourse.

CHAP. II.

Of the Motives the State had to seek, and the Church to accept an Alliance.

THE Motives the Magistrate had to seek this Alliance were these;

I. To preserve the Effence and Purity of Religion.

II. To improve its Usefulness, and apply its Influence in the best Manner.

III. To prevent the Mischief which in its natural independent State, it might occasion to Civil Society.

I.

I. THE Magistrate was induced to seek it,

i. *As the necessary Means of preserving the very BEING of Religion.* For though, as hath been shewn, Religion constitutes a Society; and that this Society will indeed, for some Time, support Religion, which, without it, would soon vanish from amongst Men: Yet, if we consider, that this Society is made up of the same Individuals which compose the Civil; and destitute likewise of all coercive Power; we must needs see, that a Society, thus abandoned to its own Fortune,

Fortune, without Support or Protection, would, in no long Time, be swallowed up and lost. Nor can we reasonably hope that this Danger might be averted, by that inherent Power, we have shewn, to be in the State, of restraining the Oppugners of the *three fundamental Principles of Natural Religion*; because that Power could only prevent these Principles from being directly depraved or subverted; not from gradually decaying and falling into oblivion. Of this Opinion was an able Writer, whose Knowledge of human Nature will not be disputed: “ Were
 “ it not, says he, for that Sense of Virtue which
 “ is principally preserved, so far as it is pre-
 “ served, by NATIONAL FORMS AND HABITS of
 “ Religion, Men would *soon lose it all*, run wild,
 “ prey upon one another, and do what else the
 “ worst of Savages do^s.”

2. BUT of whatever Use an Alliance may be thought, for preserving the *Being* of Religion; the Necessity of it, for preserving its PURITY, is very evident. For if TRUTH and PUBLIC UTILITY coincide, the nearer any Religion approaches to the Truth of Things, the fitter that Religion is for the Service of the State. That they do coincide, that is, that Truth is productive of Utility, and Utility indicative of Truth, may

^s *Wolleston's Religion of Nature Delineated*, p. 124.

be thus proved. That Truth is *productive* of Utility, appears from the Nature of the Thing. Observing Truth, is acting as Things really are: He who acts as Things really are, must gain his End; all Disappointment proceeding from acting as Things are not; just as in reasoning from true or false Principles, the Conclusion which follows must be, as the Principles, necessarily right or wrong. But gaining the End of acting is Utility or Happiness; Disappointment of the End, Hurt or Misery. If then Truth *produce* Utility, the other Part of the Proposition, that Utility *indicates* Truth, follows of course. For not to follow, supposes two different kinds of general Utility relative to the same Creature, one proceeding from Truth, the other from Falshood; which is impossible; because the Natures of those Utilities must then be different; that is, one of them must, and, at the same time, must not, be Utility. Wherever then we find UNIVERSAL UTILITY, we may certainly know it for the PRODUCT OF TRUTH, which Truth it indicates. Let us then consider the Danger which Religion runs, of deviating from Truth, when left, in its natural State, to itself. In those Circumstances, the Men of highest Credit are such as are famed for greatest Sanctity. This Sanctity hath been generally understood to be then most perfect when most estranged from the
World,

World, and all its Habitudes and Relations. But this being only to be acquired by Secession and Retirement from human Affairs; and that Secession rendering Man ignorant of Civil Society, of its Rights and Interests; in Place of which will succeed, according to his natural Temper, the destructive Follies either of Superstition or Fanaticism; we must needs conclude that Religion, under such Directors and Reformers (and God knows these are too commonly its Lot) will deviate from Truth; and consequently from a Capacity, in proportion, of serving Civil Society. I wish I could say, we had not Fact to support this Speculation. The Truth is, we have seen, and yet do see, Religious Societies, Some grown up, and continuing unsupported by, and *united* with the State; Others that, when supported and *united*, have by strange Arts brought the State into Subjection, and become its Tyrants and Usurpers; and thereby defeated all the Good that can arise from this Alliance; such Societies, I say, we have seen, whose Religious Doctrines are so little serviceable to Civil Government, that they can prosper only on the Ruin and Destruction of it. Such are those which teach the Sanctity of *Celibacy* and *Asceticism*; the *Sinfulness of Defensive War*, of *Capital Punishments*, and even of *Civil Magistracy* itself.

ON

ON the other Hand, when Religion is in ALLIANCE with the State, as it then comes under the Magistrate's Direction, those holy Leaders having neither Credit nor Power to do Mischief, its Purity must needs be reasonably well supported and preserved^t. For, Truth and public Utility coinciding, the Civil Magistrate, as such, will see it for his Interest to seek after, and promote TRUTH in Religion: And, by Means of public UTILITY, which his Office enables him so well to understand, he will never be at a Loss to know where such Truth is to be found. So that it is impossible, under this Civil Influence, for Religion ever to deviate far from Truth; always supposing (for on such Supposition this whole Theory proceeds) a LEGITIMATE Government, or Civil Policy established on the Principles of the Natural Rights and Liberties of Mankind. For an unequal and unjust Government, which seeks its own, not public Utility, will always have Occasion for Error; and so, must corrupt Religion both in Principle and Practice, to serve its own wrong Interests^u.

II. SECONDLY,

^t Imminuta esset libertas Ecclesiæ, si a principum secularium imperio libera, ab episcopis iniqua servitute premeretur. *Marca, L. iii. c. 1. F. T.*

^u We have a remarkable Instance of this in the State of *Venice*, which is a thorough Tyranny, if ever there was any.
Mr.

II. SECONDLY, The Magistrate was induced to seek this Alliance *as the necessary Means of improving the Usefulness; and of applying the Influence of Religion to its Service.* And this an Alliance doth by several Ways.

I. *By bestowing additional Reverence and Veneration on the Person of the Civil MAGISTRATE, and on the LAWS of the State.* For in this Alliance, where the Religious Society is taken under the Protection of the State, the supreme Magistrate, as will be shewn hereafter, is acknowledged *HEAD of the Religion.* Now nothing can be imagined of greater Efficacy for securing the Obedience of the People. Those two consummate Masters in Politics, *Aristotle and Ma-*

Mr. Bayle tells us [*Crit. Dict. Art. (Abelard) Rem. (P)*] that one Day asking a Friend, who had told him a thousand Stories of the Disorders of the *Venetian Ecclesiastics*, how it happened that the State would suffer Things so dishonourable to Religion and Society? his Informer replied, that the Good of the Public obliged the Sovereign to this Indulgence; that the Senate was not displeased to find the Priests and Monks fall under the public Contempt for their Debaucheries, for that in this Condition they would have no Credit to raise or foment Sedition amongst the People; and that one of the Reasons why the Jesuits were not acceptable to the Sovereign was, because they knew how to preserve the Decorum of their Character; and so, gaining Respect and Reverence by a more decent Exterior, had it in their Power to excite the Populace to Sedition.

chiavel,

chiavel^w, thought it of so great, as to be sufficient to gain Reverence and Security to a Tyrant. What then must we suppose its Efficacy on a legitimate Magistrate^{*}? The same Veneration will extend itself over the *Laws* likewise. For while some of them are employed by the State for the *Support of the Church*; and others *lent* to the Church to be employed in the *Service of the State*, and all of them enacted by a *Legislature in which Church-Men have a considerable Share*; all these things, as we shall see presently, being amongst the Conditions of *Alliance*; *Laws*, under such Direction, must needs be obeyed with the greatest Reverence.

2. *By lending to the Church a coercive Power.*

It may be remembered that, in speaking of the innate Defects in the Plan of Civil Society, we observed, that there were several Sorts of Duties

^w Ἐτι δὲ τὰ πρὸς τὰς θεάς φαίνεσθαι αἰὲν σπουδάζοντα διαφερόντως, ἥτιόν τε γὰρ φοβῆναι τὸ παθεῖν τι παράνομον ὑπὸ τῶν τοιούτων, ἢ δεισιδαίμονα νομίζεσθαι εἶναι τὸν ἀρχόντα καὶ φρονιζέειν τῶν θεῶν. Καὶ ἐπιβαλεύουσιν ἥτιον, ὥς συμμάχους ἔχοντι καὶ τὰς θεάς. *Polit. Lib. v. c. 12.*

—Et non à cosa più necessaria à parere d'havere, che questa ultima qualita [religione] perche gli huomini in universale giudicano più à gli occhi che alle mani, perché tocca à vedere à ciascuno à sentire à pochi. *Del Principe, cap. xviii.*

^{*} Cives in officio suo erga se & erga principem religionis cultu, veluti vinculo quodam, adstringuntur, ut de Romanis observavit Augustinus. *Marca, L. ii. c. 10. F. T.*

which

which Civil Laws could not enforce: Such as the Duties of IMPERFECT OBLIGATION; which, a Religious Society, when endowed with *coactive Power* to invigorate the Influence of Religion, is capable of exacting; and such likewise of the Duties of PERFECT OBLIGATION, whose Breach is owing to the Intemperance of the sensual Appetites. The severe Prohibition of which threatens greater and more enormous Evils. For while these unruly Passions overflow, the stopping them in one Place is causing them to break out with greater Violence and Disorder in another. As the rigorous Punishment of Fornication hath been generally seen to give Birth to unnatural Lusts. The effectual Correction therefore of such Evils must be begun by moderating and subduing the Passions themselves. But *This*, Civil Laws are not understood to prescribe; as *punishing* those Passions, only when they have risen into *Act*: and not *rewarding* the Attempts to subdue their first irregular Motions. It must be a Tribunal regarding bad Intentions as criminal, which can moderate and regulate the Passions. And this is no other than the Tribunal of Religion. When this is done, a coactive Power of the Civil Kind may have a good Effect; but not 'till then. And who so fit to apply this coactive Power in such Cases, as that Society which fitted and prepared the
Subject

Subject for its due Reception and Application?^r Again, We have observed, that the State punishes Deviations from the Rule of Right, as *Crimes* only; and not as they are *such* Deviations; nor as they are *Sins*: and on that first Idea proportions its Punishments: By which Means some very enormous Deviations from the Rule of Right, which do not *immediately* affect Society, and so not considered as *criminal*, are overlooked by the Civil Tribunal. Yet these being, *mediately*, pernicious to the State, it is for its Interests that they should be brought before some capable Tribunal. But besides the Civil there is no other than the Ecclesiastical endowed with co-active Power. Hence may be inferred *the true and only End and Use of SPIRITUAL COURTS*. A Church-Tribunal then, with coactive Power, being necessary in all these Cases; and a Religious Society having, in itself, no such Power, it must be borrowed from the State: But a State, as we shall see, cannot lend it, without Danger, *but* on the Terms of an Alliance: A

^r A Jurisdiction somewhat resembling this we find in the famous Court of *Areopagus* at *Athens*: Which City was once the Model of *Civil Prudence* as well as of *Religion*, to the improved Part of Mankind. *Isocrates*, speaking of this Branch of Jurisdiction in the *Areopagus*, says, *It was not occupied to punish Crimes, but to prevent them*—ὃ τῷτο πρῶτον ἐσκόπουν, δι' ὃ καὶ πολεῖσσι τὰς ἀποσμενίας, ἀλλ' ἐξ ὧν ἂν καλῶσκευάσσει μὴδὲν αὐτὰς ἀξίον ζημίας βεβλήσεσθαι ἀμαρτάνειν. ἡ γὰρ τῷτο μὲν αὐτῶν ἔργον εἶναι. ΑΡΕΙΟΠ. ΛΟΓ.

State therefore will be induced to seek this Alliance, in order to improve the natural Efficacy of Religion.

3. *By conferring on the State the Application of this Efficacy of Religion; and by putting it under the Magistrate's Direction.* There are peculiar Junctures when the Influence of Religion is more than ordinary serviceable to the State; and these the Civil Magistrate best knows. Now while a Church is in its natural State of Independency, it is not in his Power to improve those Conjunctions to the Advantage of the State, by a timely Application of Religion: But when the *Alliance* is made, and consequently the Church under his Direction, he hath then Authority to prescribe such public Exercises of Religion, in such manner, and at such seasons, as he finds the Exigencies of State require^z.

4. *By engaging the Church to apply its utmost Endeavours in the Service of the State.* For an *Alliance* laying an Obligation on the State to protect and defend the Church, and to provide a settled Maintenance for its Ministers, such Benefits must needs produce the highest Attachment to the Benefactor; which will be

^z See the scandalous Squabbles between the Civil Magistrate and the Church, concerning the Exercise of this Power, in the Histories of the *Presbyterian Church of Scotland*.

shewn from Motives both of Gratitude and Interest, in the most zealous Labours for the Service of Civil Government^a.

III. LASTLY, *The Magistrate was induced to seek this Alliance as the only Means of preventing the Mischiefs that the Church, in its natural independent Condition, might occasion to Civil Society.*

I. For, in this Situation, the Church having, of itself, a Power of assembling for Religious Worship, *factious Men* may conveniently, under that Cover, hatch and carry on Designs against the Peace of Society; and the Influence which popular and leading Men gain over the Consciences of such Assemblies, by the Frequency of public Harangues, may easily ripen these Contrivances into Act; when strengthened with the specious Pretext of Religion. That unhappy Prince, *Charles I*, when he was now become better instructed by Misfortunes, and able enough to understand, that the Interest of his Country and his own were the same, delivers himself in these Words, “ Touching the Government of the Church by Bishops, the common Jealousie hath been, that I am earnest and resolute to maintaine it, not so

^a Carolus Magnus, præter causas pietatis, motus etiam fuit ad distribuenda liberali manu bona Ecclesiis ob utilitatem Reipublicæ, existimans nimirum Episcopos sanctius observaturos fidem promissam. *Marca, L. viii. c. 19.* F. T.

“ much

“ much out of Piety, as Policy, and Reason of
 “ State. Wherein so far indeed Reason of State
 “ doth induce me to approve that Government
 “ above any other, as I find it impossible for a
 “ Prince to preserve the State in quiet, unless
 “ he hath such an Influence upon Churchmen;
 “ and they such a Dependence on him, as may
 “ best restrain the seditious Exorbitancies of
 “ Ministers Tongues; who with the Keys of
 “ Heaven, have so far the Keys of the Peoples
 “ Hearts, as they prevail much by their Ora-
 “ tory to let in, or shut out, both Peace and
 “ Loyalty^b.” Now all these Evils are speedily
 remedied by this *Alliance*. For now the Civil
 Magistrate being become Protector of the
 Church, and, consequently, supreme Head and
 Director of it, the Ministry is much in his
 Power; that mutual Dependency between the
 Clergy and People, so pernicious to the State,
 being, by means of a settled Revenue, broken
 and destroyed. He admits and excludes to the
Exercise of their Function as he sees fit; and
 grants it to none but such as give a previous
 Security for their Allegiance to the State. By
 which Means, all that Power and Influence,
 which the Ministers and Leaders in a Church
 had over it before the Alliance, *as the Protect-*
ors of Religion, is now drawn off from them,

^b ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ, chap. xvii.

and placed, more properly, in the Civil Magistrate^c.

THE View of these Mischiefs, from a Church in its natural State of Independency, so terrified *Hobbes* and his Followers, that they denied there ever was such a state; for that the Magistrate had a *natural Right* of Dominion and Supremacy over the Church, as his Servant and Creature: Which was arguing just as reasonably as that Community would act, who, alarmed at the growing Power of a Neighbour, from which a likely Mischief might be suspected, should endeavour, on a Principle of Right, to bring that People which gave them umbrage under Vassalage. Whereas Reason and Justice both point out a different Remedy, which is to obviate the Mischief by *League* and *Alliance*. The same should be done in the Affair before us: And were not Men unreasonably prejudiced against a *Church*, they would see the Cases to be exactly alike. Indeed when there is, during the Independency of two different Societies composed of one and the same People, a natural

^c Ex hoc tuitionis & patrocinii jure quod Reges exercent, illud commodi in Ecclesiam totamque rempublicam Christianam redundat, ut ecclesiastica & civilis potestas amico & perpetuo foedere invicem conjunctæ mutuis auxiliis ad comprimendos improborum conatus & juvanda bonorum studia inter de conspirent. *Marca, L. ii. c. 12. F. T.*

and

and direct Tendency, in the LEGITIMATE Exercise of *one* Dominion, to the Damage of the *other*, then the *Law of Nations* prescribes the less to be dependent on the greater. But as Religious Society hath been shewn to have nothing in the *legitimate* Exercise of its Sovereignty that can clash with Civil Power, though it be, indeed, so liable to be *abused*^d as to make it of infinite Interest to the State to prevent the Abuse, we conclude, that its Dependency on the State, the only Means of preventing the Evil, can be brought about no otherwise than by an *Alliance* between the two Societies, on the Footing of a *free Convention*.

BUT secondly, as a *Hobbeian Claim* would be unjust in itself, so would the *Prosecution* of it be mischievous to Civil Liberty. To exchange that temperate, conditional Subordination of the Clergy, here laid down, for the slavish Dependency which *Hobbes* and his Followers prescribe, would prove a very ill Bargain for the

^d In this consists the MASTER-SOPHISM which runs thro' *Tindal's* whole Book of the *Rights of the Christian Church*. He brings all along the *confessed Abuse* of Ecclesiastical Government as an Argument that the Church is an *Imperium in Imperio*; whereas that Evil consists in the *legitimate* Exercise of two contradictory sovereign Powers in one and the same Republic; nothing of which there is, as we have shewn, in a Church and State; tho' both sovereign and independent before *Alliance*.

State. An entire Independency of the Clergy might in time, indeed, overturn a free Government; but so, more certainly, would a slavish Dependence. The noble Author of *The Account of Denmark*, saw clearly the destructive Consequences of *both these Conditions*, where, in the Conclusion of his Book, he delivers himself in these Words: “ It hath been a great Mistake
 “ amongst us that the *Popish* Religion is the
 “ only one of all the *Christian* Sects proper to
 “ introduce and establish Slavery in a Nation;
 “ insomuch that Popery and Slavery have been
 “ thought inseparable. — I shall make bold to
 “ say, that other Religions have succeeded as
 “ effectually in this Design as ever *Popery* did.
 “ — For in *Denmark*, as well as other Protestant
 “ Countries in the North, *thro’ the entire De-*
 “ *pendence of the Clergy upon the Prince, thro’*
 “ their Principles and Doctrine, which are those
 “ of unlimited Obedience, thro’ the Authority
 “ they have with the common People, &c.
 “ Slavery seems to be more absolutely establish-
 “ ed than it is in *France*.” If then, in the Opinion of this famed Politician, an *absolute Independence* and an *absolute Dependence* are equally pernicious to Society, what remains, but to confess that the Clergy’s Condition in *Alliance*, which takes off their Independency, and makes them the *free Subjects*, but not the *Tools* of Civil Power, is that very Circumstance in which only
 they

they can be useful to Society, in the manner they were destined by God and Nature. What Obligations, therefore, lye on every Lover of his Country to protect from *Innovations* our present happy Constitution, which hath actually placed the Clergy in this very Condition; from which the Churches of the *North* and *South* have so fatally deviated, tho' into contrary Extremes!

2. ANOTHER Mischief there is in this *unallied* Condition of the Church, still more certain and fatal, whenever more than one Religion is found in a State. For, in these latter Ages, every Sect, thinking itself alone the *true* Church, or, at least, the most *perfect*, is naturally pushed on to advance its own Scheme upon the Ruins of the rest; and where Argument fails, *Civil Power* is made to come in; as soon as ever a Party can be formed in the *public Administration*: And we find they have been but too successful in persuading the Magistrate that his Interests are much concerned in these Religious Differences. Now the most effectual Remedy to those dangerous and strong Convulsions, into which States are so frequently thrown by these Struggles, is an *Alliance*; which *establisches one Church*, and gives a full *Toleration to the rest*^e; only keeping
Sectaries

^e The reason why, throughout this Discourse, I have taken it for granted, " That a full and free Toleration, or liberty

✓ Sectaries out of the *public Administration*; from a heedless Admission into which, these Disorders have arisen.

HAVING now shewn the principal Motives which induced the State to *seek* an ALLIANCE with the Church:

II.

WE come next to consider the Motives which the Church had to *accept* it. For, this being, as

of worshipping God in the Way every one shall chuse, is of natural Equity and consonant to the Genius of our holy Religion," is because Mr. BAYLE in his *Philosophic Commentary*, and Mr. LOCKE in his *Letters on Toleration* have exhausted the Subject, and vindicated this Liberty with the fullest and clearest Evidence. And I am not of an Humour *actum agere*. Mr. Voltaire indeed has lately undertaken to write in Favour of it. How he has acquitted himself is now (since those admirable Discourses have been in the Hands of all Mankind) of little Consequence to any but himself. Yet it must needs divert the Reader to observe the Air with which he concludes — "Cet écrit sur la Tolérance est une requête que l'humanité présente *tres humblement* au Pouvoir et à la prudence. " JE SEME UN GRAIN QUI POURA UN JOUR PRODUIRE UN " MOISSON." — *I sow a Grain of Seed* (says he) *which may, one Day, produce a Harvest*. He had been much nearer the Truth, and that *Humility*, which he here pretends to, if, with the Man in the Parable, he had confessed, that he *had reaped where another had sown*. Or if in courtesy we will allow him his Pretensions, of being a Labourer in the Lord's Heritage, he will have the grace to confess, that he has ill observed the Precept of the LAW, *not to sow his Field with* MINGLED SEED: For his way throughout this Discourse is to recommend *Toleration* by abusing *Religion*.

we

we observed, a FREE CONVENTION ; unless the Church, as well as State, had its Views of Advantage, no *Alliance* could have been formed. To discover these Motives, we must recollect what hath been said of the Nature and End of a *Religious Society* ; for the Benefits adapted to that Nature and End, must be her legitimate Motive : But if so, this Benefit can be no other than SECURITY FROM ALL EXTERIOR VIOLENCE. The State indeed could not justly offer it, had an Alliance never been made. But this is no reason why the Church should not think it for her Interest to secure her natural Right by *Compact*, any more than that one State should not bind another, in the same manner, not to do it Violence, tho' *that other* were under prior Obligations, by the Law of Nature and Nations, to abstain.

BUT, by this Alliance between the two Societies, the State doth more ; it not only promiseth not to injure the Church confederated, but to serve it ; that is, to protect it from the Injuries of other Religious Societies, which then exist, or may afterwards arise in the State. How one Religious Society may be injuriously affected by another, we have shewn just before : How great these Injuries may prove, will be shewn hereafter. It must needs then be the first Care of a Church, and a reasonable Care, to

to preserve herself, by all lawful ways, from outward Violence. A State then, as we have said, in order to induce the Church's acceptance of this Offer, must propose some Benefit to her, by it; and because this is the only *legitimate* Benefit the Church can receive, it must propose *this*; which, therefore, being considerable, will be the Church's *Motive for Alliance*.

THERE are two two other Considerations which can be deemed *Motives*: The one, *To engage the State to propagate the Established Religion by Force*: And the other, *To bestow Honours, Riches, and Powers upon it*. Now, on recurring to the Nature and End of the two Societies, the *first* Motive will be found *unjust*; and the *second*, *impertinent*. It is *unjust* in the Church to require the Engagement; because the performing it would be violating the natural Right every Man hath of worshipping God according to his own Conscience: It is *unjust* in the State to engage in it; because, as we have shewn, its Jurisdiction extendeth not to Opinions: It is *impertinent* in a Church to aim at Riches, Honours, Powers; because these are Things which, as a Religious Society, she can neither use, nor profit by. To imagine these fit Accommodations for such a Society, is as sensual a Fancy as theirs who were for building sumptuous Tabernacles for the three Great Messengers

Messengers of God, at the Transfiguration. It is very true, that these Things which, for the sake of the State, followed an Alliance, might be in the private Views of ambitious Churchmen, when that Alliance was projected; and might not a little help forward the Completion of it. But what Motives the *Clergy* of a Church might have, is nothing to the Purpose of our Enquiry; we are only to consider what the *Church* had, which, as a Religious Society, consists of the whole Body of the Community, both Laity and Clergy^f: and her Motive, we say, could not be Riches, Honours, and Power, because they have no natural Tendency to promote the *ultimate* End of this Society, *Salvation of Souls*; or the *immediate* End, *Purity of Worship*. We conclude therefore, that the only legitimate Motive she could have, *was Security and Protection from outward Violence*. This the Reader would do well to keep in Mind, because much will be found to depend upon it, in the Sequel of this Discourse.

ON these *mutual* Inducements then, was formed this FREE ALLIANCE; which gave Birth to a

^f —Longe a proposito aberrant, qui Ecclesiam clero coercent. Latior est illius significatio quæ Laïcos ipsumque Regem comprehendit.—Ecclesiæ corpus quod ex fidelium omnium compage constituitur, in duas præcipuas personas, sacerdotalem scilicet & regiam, divisum est. *Marca, L. ii. c. i.*
F. T.

CHURCH BY LAW ESTABLISHED: And these being so prevalent, we are not to wonder that the Civil Communities of all Ages had an ESTABLISHED RELIGION, which was under the more immediate Protection of the Civil Magistrate; and so, distinguished from those that were only TOLERATED. How closely these two Interests were united in the *Egyptian* Policy, which afterwards became the Model of Civil Wisdom to the rest of Mankind, is notorious to all who are the least acquainted with Antiquity. Nor were the polite Republics of *Rome* and *Athens* less solicitous for the common Interests of the two Societies than that sage and powerful Monarchy, the Nurse of Arts and Virtue. But an *Established Worship*, as we say, is the universal Voice of Nature, and not confined to certain Ages, People, or Religions. That great Voyager, and sensible Observer of the various Manners of Men, *John Baptist Tavernier*, speaking of the Kingdom of *Tunquin*, says, “ I come now to
 “ the Political Description of this Kingdom,
 “ under which I comprehend the Religion,
 “ which is almost *every where in Concert with*
 “ *the Civil Government for the mutual Support of*
 “ *each other*.” It is true, there are Exceptions
 to

§ Je viens à la Description politique de ce Royaume, dans laquelle je comprends la Religion, qui est presque en tous lieux de concert

to this, as there are to all the general Practices of Mankind. *Ovington* tells us, p. 278. that, amongst the Bannians of *India*, this *Alliance* is not between Religion and the State, but BETWEEN RELIGION AND TRADE; every Profession differing from another as much in its Modes of Worship, as in its Ways of Traffic. The Enemies of our Alliance may perhaps improve upon this Hint; for as unwilling as they seem to be, that the *Church* should profit by an *Alliance* with the State, they would not, I suppose, be averse to *Trade's* profiting by an *Alliance* with the Church.—Now, if the foregoing Account may explain the true Origin of this general Practice, *the Practice*, we presume, will corroborate what hath been said of the Force of the *Motives* here delivered; the wisest and most experienced Law-givers, as we see, concurring to act upon them.

BUT when I say that *all* regular policied States had *an Established Religion*, I mean no more than He would do, who, deducing Civil Society from its true Original, should, in order to persuade Men of the Benefits it produces, affirm, that all Nations had a Civil Policy. For as this

concert avec le Gouvernement Civil pour l'appuy reciproque de l'un & de l'autre. Relation Nouvelle de la Royaume de Tunquin, cap. x. à la fin.

Writer

Writer could not be supposed to mean, that every one instituted a free State, on the Principles of public Liberty; which yet was the only Society he purposed to prove was founded on Truth, and productive of public Good; because it is notorious, that the far greater Part of Civil Policies are founded on different Principles, or abused to different Ends; so neither would I be understood to mean, when I say all Nations concurred in making this *Alliance*, that they all exactly discriminated the Natures, and fairly adjusted the Rights of the two Societies, on the Principles here laid down; tho' an *Establishment* resulting from this Discrimination and Adjustment be the only one I would be supposed to recommend. On the contrary, I know this Union has been generally made on mistaken Principles; or, if not so, hath degenerated by length of Time; whence it has come to pass, that the National Religion in the Pagan World hath been most commonly a Slave to the State; and in the Christian, the State sometimes a Slave to the Church. And, as it was sufficient for that Writer's Purpose, that those Societies, good or bad, proved the Sense all Men had of the Benefits resulting from Civil Policy in general, tho' they were oft mistaken in the Means; so it is for ours, that this universal Concurrence in the two Societies to *unite*, shews the Sense Mankind

had

had of the Usefulness of such an *Union*. And lastly, as that Writer's speculative Principles are not the less true on account of the general Deviation from them in the actual forming of Civil Societies; so may not these plain Principles of *Alliance*; tho' so few States have suffered themselves to be directed by them in Practice; nor any one before, that I know of, delivered them in Speculation: Especially if, as in that Case, so in *this*, we can derive such *Mistake* and *Degeneracy* from their Causes. It would draw me too far out of my Way to explain distinctly the Causes of the *Mistake*; and the intelligent Reader, who carefully attends to the whole of this Discourse, will not be at a Loss to discover the most considerable of them; some of which I have already hinted at; and others, I may possibly, in the Sequel, take occasion to mention. As for the *Degeneracy*, it hath been observed, that the *Alliance* is of the Nature of the FOEDERA INÆQUALIA: Now, the common Effect of such, *Grotius* informs us of, in these Words: *Interim verum est accidere plerumque, ut qui superior est in fœdere, SI IS POTENTIA MULTUM ANTECELLAT, PAULATIM IMPERIUM PROPRIE DICTUM USURPET: PRÆSERTIM SI FOEDUS PERPETUUM SIT*^h.

^h *De Jure Belli & Pacis*, Lib. i. cap. iii. § 21.

C H A P. III.

Of the reciprocal Terms and Conditions of this Alliance.

AS, from the Natures of the two Societies, we discovered what kind of Union only they could enter into; so from their Natures, together with the *Motives* they had in Uniting, may be deduced, by necessary Consequence, the reciprocal **TERMS** and **CONDITIONS** of this Union.

FROM the mutual Motives inducing thereunto, it appears, that the great *Preliminary and Fundamental Article* of ALLIANCE is this, THAT THE CHURCH SHALL APPLY ITS UTMOST INFLUENCE IN THE SERVICE OF THE STATE; AND THE STATE SHALL SUPPORT AND PROTECT THE CHURCH.

i. BUT, to enable the two Parties to perform this Agreement, there must needs be a MUTUAL COMMUNICATION OF THEIR RESPECTIVE POWERS. For the Province of each Society being naturally distinct and different, each
can

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can have to do in the other's, only by mutual
Concession^a.

2. BUT again, these Societies being likewise
as naturally independent one on the other, a
mutual Concession cannot be safely made unless
one of them give up its INDEPENDENCY, to the
other. From whence arises what *Grotius*, we see,
calls MANENS PRÆLATIO; which, in his *Fœdus
inæquale*, the more powerful Society hath over
the less, by the cession of its INDEPENDENCY.

Now from the two Conclusions, which ne-
cessarily spring from *this Fundamental Article of
Union*, we deduce all the Terms, Conditions,
mutual Grants, and Concessions^b which com-
plete this *Alliance*.

FOR,

^a Hæ ambæ potestates inter se ut duo apices comparantur.
His sua in utraque substantia, terrena scilicet & cœlesti, affig-
nantur officia. Eæ ut principes suoque in ordine supremæ so-
ciali tantum fœdere conjunguntur, non altera alteri in suis
quidem rebus subditur: & quo jure regi permittitur, ut super
animarum salute, sed ex canonum auctoritate, decernat; eodem
jure permittitur Pontifici, ut delinquentes etiam pœnis tempo-
ralibus, sed forensi lege, non innata sibi potestate, coerceat.
Bossuet, L. vi. c. 29. F. T.

^b Christianæ politiæ Antistites a summo jure recedebant, ut
concordiæ litarent. Attamen cum remissio illa nisi certis li-
mitibus

FOR, from this obligation on the Church *to apply its Influence to the service of the State*, proceed a SETTLED MAINTENANCE FOR THE MINISTERS OF RELIGION, and an ECCLESIASTICAL JURISDICTION with coactive Power; Which Things introduce again, on the other Side, the DEPENDENCY OF THE CLERGY ON THE STATE. And from the State's Obligation *to support and protect the Church*, proceeds the ECCLESIASTICAL SUPREMACY OF THE CIVIL MAGISTRATE; which again introduceth, on the other Hand, the Right of CHURCHMEN TO A SHARE IN THE LEGISLATURE.

THUS are all these Rights and Privileges closely interwoven, and mutually connected by a necessary Dependence on one another. We have here, in a succinct manner, deduced each of them in the Order in which they reciprocally arise: But the importance of the Subject requiring a more minute examination into the reason and foundation of each GRANT and PRIVILEGE, we shall go over them again in a

mitibus concludatur, in abjectionis vitium desciscat, necessariae sunt regulæ quædam, intra quas prudentia, quæ omnino in his negotiis adhiberi debet, se contineat. Porro regulæ illæ in eorum axiomaticum cognitione constitutæ sunt, quæ communi utriusque reipublicæ suffragio sunt recepta; ex æquo & bono unitatis & concordie alendæ studio, ex utraque parte quamplurima remissa. *Marca, in præfatione secunda.* F. T.

different

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different Order; and put together all that belong to the CHURCH under one Head; and all that belong to the STATE under another: The first Order being the properest for a *general* View; the second for a *particular*; but both necessary, to give a true Idea of that mutual Connexion with, and necessary Dependence on, one another.

LET us then examine,

I. WHAT the Church RECEIVES from the State.

II. WHAT the Church GIVES to it.

WHICH will present us with a *new View of the two Societies as they appear under an Establishment*; and leave nothing wanting to enable us to judge perfectly of their Natures.

I.

I. WHAT the Church *receives* from the State by this Alliance, is,

I. FIRST, A PUBLIC ENDOWMENT FOR ITS MINISTERS: A separate and certain Share of the national Property being assigned for the Maintenance and Support of the Clergy; portioned out into distinct Benefices; and collated

to by the State. The Reasons of this Endowment are: 1. To render the Religious Society, whose Assistance the State so much wants, more firm and stable. 2. To invite and encourage the Clergy's best Service to the State, in rendering those committed to their Care, virtuous. But, 3. and principally, in order to destroy that mutual Dependency, between the Clergy and People, which arises from the Minister's Support by voluntary Contribution; the only Maintenance that could be claimed or given before the two Societies were allied; which Dependence, we have shewn to be productive of great Mischiefs to the State. Add to all this, that as the Clergy are then under the Sovereign's Direction, and consequently become a public Order in the State, it is but fit and decent, that a public Maintenance should be provided for them. Which most Nations have done by way of TYTHES.

FROM this Account of a public and fixed Provision for the Clergy, may be deduced these COROLLARIES.

1. THAT *though the Payment of Tythes to the Jewish Priesthood should give the Christian Clergy no Right to them, till bestowed by the Sovereign, yet the Example of this Mode of Provision, under the Mosaic Oeconomy, may be fairly and properly urged*

urged by Christian Ministers in Favour of them as a proper Civil Donation. Under the *Mosaic Oeconomy*, God *himself* made the Union between Church and State; as he had before planned the Form of Civil Government. From his very Choice of the *Hebrew People* we may collect, that his Dispensation to them was as well relative to the rest of Mankind as to themselves. Now as amongst the various Ends which he had for erecting that Society, we must conclude, *one* was to teach Mankind, by his Example in the *HOREB CONTRACT*, to form Civil Policies on the Principles of natural Right and public Liberty; so we may be equally assured, that one of his Ends *in uniting the two Societies*, was to give them the same general Lesson of *Union and Alliance*: If an Union, in general, then consequently all those fundamental Terms of Union which arise (not from the peculiar Nature of the *Jewish Church* and State, but) from the common Nature of a Civil, and a Religious Society united, must be intended likewise for our Imitation. But a fixed Maintenance in the *Mosaic Oeconomy*, for the Priests, being one of those Fundamental Terms which depends not on the Frame of that peculiar Policy, but, of a Church and State in general, we may fairly conclude, that the Mode of it by *Tythes*, as a Mode in itself equitable, is not improper for

our Imitation. For though the Establishment of this Mode of Provision in Judæa confers no Divine Right, yet it strongly supports every *civil constitutional* Appointment of them.

2. A SECOND Corollary is, *That it is ABSURD in any Member of the Established Church to suspect, that a settled Revenue may be injurious to the State, as making the Clergy too powerful: And that it is UNJUST in any who are not of the Established Church to refuse Payment of Tythes, on Pretence of their contributing to the Maintenance of Opinions different from their own.* The Suspicion of Churchmen is *absurd*; because it appears, from what we have but now observed, that this Policy hath a very contrary Effect; a settled Maintenance destroying that mutual Dependency between Clergy and People, from whence only can arise the Power of Churchmen to do Mischief. In the Church of *Rome*, besides the endowed Clergy, there are several Orders of Religious which possess nothing, but depend on the Charity of the People. And yet, for many Ages, these *Wens* and *Botches* of a corrupted Church got all the Power and Influence of Churchmen to themselves, from the endowed Clergy, notwithstanding the Immensity of their Possessions. And the State throve accordingly. —The Refusal of Dissenters is *unjust*; because this Maintenance is not assigned by the Public
for

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for the *Support of Opinions*, but for the *Use and Service of the State*, as such. With as good Reason, therefore, might they refuse to pay other Taxes which, in their several Applications, are for the same Civil Purpose. The Difference is only accidental: *Church Officers* happen to have Religious Opinions; and *Civil Officers*, sometimes, have none^c.

3. A

^c When the QUAKERS first arose, the Clergy generally claimed their Tythes by DIVINE RIGHT; and there being nothing in the *Light within* to direct those People up to that Original, they regarded the Exaction of Tythes as an *Anti-christian Robbery*; and rather chose to suffer, what they called, *Persecution*, than comply with the Demand.

In no long Time after, the Clergy in general gave up this Claim. I think, the Priest's *Divine Right* to a tenth Part, and the King's *Divine Right* to the other nine, went out of fashion together. And thenceforward the Church and the Crown agreed to claim their Temporal Rights from the Laws of the Land only.

One would think therefore, that when Churchmen had changed their bad Principles for better, the Quakers might have done so too. To be candid, I will not suppose, they wanted this good Disposition. But the smallest Change in their Religious System would have brought the Whole into Hazard. For here lay the Difference between the *Church* and the *Conventicle*. The Reform of the national Religion from the Corruptions of Popery, was made on the Principles of Human Reason guided by Common Sense. In which, whatever Mistakes the REFORMERS had committed (Errors

3. A THIRD Corollary is : *That as a fixed and public Maintenance began with an Established Church,*

incident to Humanity) their Successors might redress without blushing; and, what is more, without any Danger of dishonouring Religion. It was not so with the Quakers. For this Sect being founded in *modern Inspiration*, (which is, by Interpretation, *Fanaticism*) to alter the least Article of their Creed was giving the Lye to the Holy Spirit, as it came from the Mouth of their Founder, George Fox.

Payment of Tythes, therefore, was still obstinately to be refused. And to support their Perseverance they had recourse to another Fetch of Principle, "That whoever contributes to the Support of a Thing sinful is Partaker of that Sin." And Tythes being apparently sinful, the desired Conclusion was within call. This afforded much Consolation to FRIENDS. It is true, the Expedient was not without its Inconvenience: for in the Number of Things sinful, they held *War*, especially an offensive War to be one. And then an Act of Parliament, granting an Aid for the Support of such a War, brought on a new Distress. What was to be done? The King would be obeyed. This, they well knew, and therefore in dutiful Silence paid their Quota, and left it to their Illwillers to detect the Prevarication. Thus stands the Case at present with these conscientious People.

But to judge what Indulgence is fairly due unto them, we should consider a little the true Grounds of that Complaisance which Free-States are always disposed to shew to tender Consciences. Now I apprehend they understand it to extend no further than to Opinions which have no evil Influence on the true and essential Interests of Society. For to carry the Indulgence further would be a Species of Fanaticism, though of a different Kind indeed, yet as mad as that which produces the tender Consciences in Question.

Of

Church, so it must end with it. For the Members of a Church unestablished, have no Right, let their

Of Opinions thus injurious, there are various Kinds; from that which is least so, the *Unlawfulness of Tythes*, up through the rising Degrees of—the UNLAWFULNESS of *Oaths*,—of *Self-Defence*,—of *Capital Punishments*; till we come to a Reprobation of *Civil Magistracy* itself, and the renouncing of all Kings but *King Jesus*. It will be allowed, that most of them require Suppression, rather than Indulgence: and I believe all will own that the last was not unjustly treated, when, in the Memory of our Fathers, it was exterminated between the King's Guards and the Gallows. To the First, the obstinate Refusal to pay Tythes, in Defiance of the Public Laws, some Indulgence has been reasonably shewn: and that a wayward Conscience might lye as light as possible on their temporal Interests, a *Justice of Peace* was authorized to wrest from them, in an easy and expeditious Way, what they could not keep, and were scrupulous to restore.

But now what Return did they make for so much Favour? Why, from thenceforward they never lost an Opportunity of teasing the Legislature (of which they have given a recent Instance) to exclude the Clergy, from every other Entrance to Justice. Their Endeavours have been hitherto fruitless; and fruitless, I suppose, they are like to remain: for a more insolent or iniquitous Demand was never made on an equal Legislature.

These Clergy-rights rise upon the same Footing with all the Lay-rights in the Kingdom; to whom every Court of Law and Equity, as is fit, stands open. Yet these, as a sealed Fountain, are to be kept shut up for the Solace of the Saints; and the Clergy to be admitted no higher than to the muddy Stream of a Country Justice.

their Association, for that Purpose, be as extensive as it will, to support their Ministers by an appropriated Endowment. All they can do for them is by voluntary Contribution; a fixed Maintenance being solely in the Power of the State to bestow, both as it is a common Tax, and as it requires a Public Sanction for its Exaction: And the State could neither *wisely* nor *justly* affix a settled Maintenance on the Clergy of a Church with which it was not in Alliance. Not *wisely*, because the Advantage in breaking the Dependency between Clergy and People, which the State gains by a fixed Maintenance, would be greatly over-balanced by the Inconvenience of giving so considerable a Share of its Property to a Society independent of it. Not *justly*, because no Contribution to a public Maintenance could be lawfully demanded of those who are not Members of an unestablished Church so pretending. For in this Case it would indeed be for *Maintenance of Opinions*, which they think

Had the Quakers confined their Demand to an Exemption from an *Ecclesiastical Jurisdiction*, some Decency of Appearances had been kept, for the Spiritual Courts might have been thought too much a Party: not to say that the proper Object of their Power extends no further than *Reformation of Manners*. But to attempt a Violation, not of this only, but of all Civil Communities, in which it is the essential Right of Citizens to have all the Courts of Justice thrown open to them, is a Strain of Modesty peculiar to this illustrious Sect.

erroneous; and to which no Man can be obliged to contribute; as all Men justly may, to that which, by *Covenant and Compact*, is expressly directed to promote the Good of that Civil Policy of which they are Members.

II. THE second Privilege the Church receives from this Alliance is, *a Place for her superior Members in the Court of Legislature*; which, with us, is THE BISHOPS SEAT IN PARLIAMENT. For as it necessarily follows (as we shall see presently) from that *fundamental Article of Alliance of the State's supporting and protecting the Church*, that the Church must, in return, *give up its Independency to the State*, whereby the State becomes empowered to determine in all Church Matters, so far as relates to it as a Society; as this, I say, necessarily follows, the Church must needs have its *superior Members in the Court of Legislature*, to prevent that Power, which the State receives in return for the Protection it affords, from being perverted to the Church's Injury: For the Church's giving up its Independency to the State, without reserving some share in the Legislature, would be making itself, instead of a *Subject*, a *Slave* to the State. Besides, without these Ecclesiastics, no Laws could be reasonably made in the Court of Legislature concerning the Church; because no free Man, or Body, can be bound by Laws to
which

which they have not given their Consent. So that as the Church, when she entered into Alliance, cannot *justly*, we must presume she did not *willingly* give up her Independency, without the Reservation of such a Privilege. This shews the Necessity of their sitting and acting in the Legislature, in all Affairs *Ecclesiastical*. That they should act too, when they are there, like the other Members, *in Civil Matters*, is very useful to the Community: as giving additional Sanction to its Laws, when the People see that Church and State have concurred in their enacting.

FROM this Account of the Grounds and Original of this Privilege may be deduced the following COROLLARIES:

I. " THAT Churchmen who sit in the higher
 " House of Legislature in consequence of this
 " *Alliance*, are to be considered first, not as RE-
 " PRESENTATIVES indeed, but yet as GUAR-
 " DIANS OF THE CHURCH: the Qualification for
 " the Exercise of this Office being their *Baro-*
 " *nies*. They are in the second Place to be con-
 " sidered as BARONS like the other Members of
 " that House." For not to allow that Bishops
 sit as Guardians, would be to take away the most
 useful, and even the necessary End of their
 sitting, *which is, to watch over the Interests of the*
Church.

Church. Besides, this Office implies, that the Church still continues a *distinct*, though an *allied* Society; whereas to sit only as *Barons* supposes the CHURCH not only *united* to, but incorporated with, and *dissolved* in, the STATE, while Lay Fees alone are seen to give one and the same Privilege both to the Secular and Spiritual Lords.

2. "THAT yet, notwithstanding, these Churchmen (though they sit as *Guardians* as well as *Barons*) do not, on the other hand, by Virtue of this Alliance, constitute or compose any distinct or THIRD ESTATE in Parliament." For this would be attended with all the Mischiefs of a contrary Extreme, by putting the Allied Church again in Possession of its *Independency*, while it had a *Negative* on the Acts of the State. And this Evil, which no management could prevent, so neither could Time itself remedy: for the Union, which is in its Nature dissolvable, would by Churchmen's sitting as a *third Estate* become perpetual; every Estate of Legislature being essential to that Government whereto it belongs. But whatever is essential can never be separated or taken away, without a Change in the Government itself.

THESE are the two Extremes so hurtful both to Religion and Civil Government, so destructive of that Benefit which a rightly formed
Alliance

Alliance is fitted to produce. Yet the common System hath joined these two discordant Parts together; and made the Bishops, at once *Guardian-Barons* and a *distinct Estate*.

3. A THIRD Corollary is, “That as the “Bishops’ Right to sit in Parliament began with “the *Alliance*, so it must end likewise with it.” It hath been shewn that the Bishops sit there, *ne quid Ecclesia detrimenti capiat*: For the Church, by this Alliance, having given up its *Supremacy* to the State, which had now, whenever the Grant should be abused, Opportunities to do her Injury, the principal Churchmen are placed in a Court of Legislature, as Watchmen to prevent the Mischief, and to give the Church’s Sentiments concerning Laws Ecclesiastical. But when the *Alliance* is broken, and the Establishment dissolved, the Church recovers back its Supremacy, and from thenceforth the State losing the Means of injuring, by having no longer a Right of making Laws for the exterior Government of it, the Church hath no longer a Pretence of having *Guardians* in the Legislature: Nor will the Bishops’ *Baronies* remain, to keep them there: for these Tenures will exist no longer than while the Church continues *established*; it being Part of that public Maintenance which the State assigns to the Clergy of a Church in *Alliance*: and which, on
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the Dissolution of that Union, reverts back again to the State. So neither the Office nor Title of *Guardian-Barons* remaining, Bishops of the Universal Church have no further Business in any particular Civil Court of Legislature.

HAVING thus, in a summary Way, considered the Nature of that Station which Churchmen hold in Parliament, as it is *DE JURE*, deducible from the Principles of this Theory; I shall now, the Subject being both important and curious, consider it *DE FACTO*, under the several Forms it assumed, as the CONSTITUTION kept improving and refining, till it arrived to that Perfection, in which we hope long to enjoy it.

WHAT I have to observe on the Subject will be best digested in a Resolution of these three Questions.

I. WHETHER the Bishops in Parliament now make one of the ESTATES there?

II. WHETHER they be BARONS of Parliament?

III. WHETHER they be PEERS of Parliament?

I. As to the first Question, It hath been held as a constitutional Point, by many of great Name, amongst which are Lord Chancellor Hyde,
 6 Bishop

Bishop Stillingfleet and Arch-Bishop Wake, that the Bishops even now compose an *Estate* in Parliament. “Learned and unbiaſſed Men” (ſays the firſt of theſe eminent Perſons) who “know the Frame and Conſtitution of the Kingdom, know that the Bishops are no leſs the repreſentative Body of the Clergy than the Houſe of Commons is of the People^d.” And again, ſpeaking of the Bishops’ Expulſion from their Houſe, he ſays, “They who loved the Church, and were afraid of ſo great an Alteration as the taking away *one of the three Eſtates*, of which the Parliament is compounded, were infinitely provoked^e.”—He who looks no further than into the preſent Face of the Conſtitution, will wonder how ſuch a Doctrine ever came to be received; ſince every circumſtance relating to, and, at preſent, attendant on, the Bishops’ Seat in Parliament manifeſts the Falsehood of it. They have no *negative* Voice, which is eſſential to an ESTATE: they have no *ſeparate* Houſe for conſultation, which hath been long the eſtabliſhed uſage of an ESTATE: they are not in Numbers ſufficient on the *feudal* System, to conſtitute an ESTATE.

If we would know from whence this venerable Error hath ariſen; for venerable it is both

^d *Hiſt. of the Rebellion*, B. iv.

^e *Life of Edward Earl of Clarendon*, p. 101---2, 8vo Edit.

for

for the Antiquity of it, and for the eminence of those who hold it, we must go up to the very Cunabula of the English Constitution.

As in the infancy of Letters there was no accurate separation of Science; so in the infancy of the *Northern Policy* there was no distinct separation of ESTATES. 24

TILL the Norman Conquest, the BISHOP and the ALDERMAN sat together on the Bench, in one common Judicatory. *William* made a fit and proper separation of the Magistracy, as the terms of an *Alliance*, between the two Societies, require. Which had it not been for an accident of the Times, the accumulating Superstition and the rapacious spirit of Usurpation in the Church of Rome, would have been of great Advantage to the Community, by marking out and ascertaining the proper bounds and limits of each SOCIETY. For Churchmen were very improper Ministers of the Crown, to judge in Causes merely civil, both from the peculiar nature of their Office, and the implied prohibition of their Master; who himself disclaims all temporal Jurisdiction. Besides, the Practice of the BISHOP's sitting with the ALDERMAN rendered the original of the former's *coercive Power*, there exercised in a coequality, very doubtful and uncertain. As the *Alder-*

man's Authority was seen to be from the *State*, Men would be naturally misled to think that the *Bishop's* was from the *Church*; at a Time too, when Churchmen allowed so little to the civil Magistrate; whereas all *coercive Power* being derived from the State, and to be exercised only for its Use, it is of the highest moment not to have it misunderstood. From henceforward the CHURCH became in a more just and proper Sense than before, ONE OF THE THREE ESTATES OF THE REALM. But it was not till long after that they became, as properly, AN ESTATE IN PARLIAMENT.

For, though the Bishops and Prelates sat in Parliament as BARONS, and as GUARDIANS of the Church in spiritual Matters, even from the Conquest, yet it was not till the twenty-third Year of *Edward I.* that Churchmen constituted an ESTATE IN PARLIAMENT. They and the *Commonalty* receiving this Quality or Condition of Estates together, from the Mode of granting their Aids in Parliament; which was by taxing themselves distinctly; and supporting themselves in this Right (as appears from all the Records) by the Exertion of a *negative Voice*; a Privilege which constitutes, and is essential to *an Estate in Parliament*. And the Way of summoning the Clergy thither, as *an Estate*, was by adding the *præmunientes* Clause to the Bishop's Writ: in
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consequence of which, the whole Body of the Clergy appeared, partly in Person, and partly by Proxy; the Bishops, Prelates and the Procuratores Cleri composing this *Estate*. But as their principal and almost only Business was granting Subsidies to the Crown, it happened, as much on this account, as because the *three Estates* sat all together in one Place, that the Exercise of their *negative*, otherwise than in ecclesiastical Matters, is not so clearly delivered down to us. For, till the latter End of *Edward III.* the Estates of Parliament sat together in one House. Till then, they debated in common and granted apart: as now, they sit apart and grant in common,

BUT against this Account of the FIRST ESTATE, it may be objected, "That even while the Clergy gave separate Aids in Parliament, the lower Clergy, at times, were not summoned." I answer, that this makes nothing against their Quality of an *Estate*; for in those irregular Seasons of the Constitution, the Commons themselves were sometimes neglected, as in the nineteenth Year of *Edward III.*

It may be further objected, that "according to this System, the SECOND ESTATE, consisting of the temporal Peers, should have taxed themselves, separately from the THIRD, con-

sisting of the *Commons*; in the manner of the FIRST." This is true. And in fact they sometimes did thus tax themselves: though sometimes they did not: and there was sufficient Reason for both these Practices. The PROPERTY of the Kingdom might be considered in two Lights, as separated either by their different TENURES; or by their supposed different ORIGINALS. When considered in the first Light, the *Tenures* of the Lords and Commons were so very unlike, that it was no Wonder they should (as they sometimes did) grant their Subsidies separately and distinct from one another. But when PROPERTY was considered according to its supposed *Original*, one Part founded in *human* Right, and the other in *divine*, it then divided itself into *Lay Property* and *Clerical*; and the Property of the Lay Lords and the Commons fell into one of the Divisions. Hence they found it reasonable to tax themselves together. But, as was essential to *Estates*, the Lords and Commons had a Negative on one another, in the common Proposal.

imaginary Thus was this Change in the Constitution (by the ADDITION of a *clerical Estate in Parliament*) silently and insensibly introduced. It returned as silently and insensibly to its former Model, by a gradual and unperceived EXCLUSION of this *Estate*. For the Clergy, in that corrupt

corrupt Season of Religion, ever aiming at an Independency on the Civil Magistrate, began, in good Time, to break in upon this *new Establishment*; first by contriving, for the sake of pretended *Regularity*, to have their Grants in Parliament CONFIRMED in their SYNODS. This was easily indulged them, being considered only as a Matter of Form. When they had so soon gained their Point, it was not long ere they grew scrupulous and uneasy about GRANTING at all in *Parliament*; and contended warmly for having this Business carried, in the first Instance, into their *Synods*. But this was a more serious Matter. Our Kings did not care to trust Churchmen out of their Sight; and the wisest of themselves began to foresee how it might effect their new Quality of an *Estate* in Parliament. So this Pretension, for a Time, was coolly pushed. But the frequent and urgent Necessities of the Crown (of which they never failed to make their Advantage) encouraged them, at such Junctures, to urge this last Demand with fresh Vigour: and the Monarch, in such Straits, was more intent to get their Subsidies, than to watch over their Encroachments: So that this, likewise, was occasionally suffered; as in easier times, it was occasionally denied. However, the Clergy having been so far successful in their aims, as *always to confirm, and sometimes to give,*

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their Subsidies in Synod, the Crown found it necessary that these *Church-Assemblies* should be ever at hand to attend *Parliament*, lest Scruple or Pretence should afford this *first Estate* a Handle to retard the public Supplies: And therefore at the same time that the Parliament-Writs were issued, a Writ of Summons was now directed to the Clergy, to assemble in Synod, under the new Name of a CONVOCATION, as they now treated of *civil* Matters; to distinguish it from a *Provincial Synod*, which treated only of *Spiritual*. And to manifest more clearly the Change in the Nature of these ecclesiastical Assemblies, From the Time of *Edward II.* Provincial Parliamentary Writs were issued to the two Arch-Bishops, or in a Vacancy to the Prior and Chapter, requiring them to send their Mandates to the Clergy of the Province, to summon them to Convocation, *to assist in the difficult and urgent Necessities of the Church and REALM.* On which Account, doubtless, it was, that in after-times these *Convocations* were thought to be irregular if assembled out of Parliament-time: and the Opinion appears to be founded. But the Clergy were able Fencers. They knew as well how to take Advantage of an Adversary (for such they almost always esteemed the CIVIL POWER) when he was on, as when he was off his Guard. The *Convocation* now constantly sitting in Parliament-time, it gave them a Pretence more obstinately than

than before to insist on ALWAYS granting their Subsidies in *Convocation*; since that Assembly was always at hand to enable them to serve the Crown with Expedition.

How soon they succeeded in this likewise, may be guessed at, from what passed in Parliament so early as the fourth Year of *Richard II.* The *Commons* having offered a certain Sum, on Condition the *Clergy* would give their Proportion; the Churchmen bravely answered, *That their Grants NEVER HAD BEEN nor ought to be made in Parliament.* Without doubt, applauding themselves for their Dexterity in securing the Honour of their Word, by giving the Name of *Grant*, to the *Confirmation* of it. A Covering, slight as it was, yet suiting, well enough, this Summer-Season of the Church. But the Prelates of those times never obtained a Favour, which they did not employ for a Step to procure a greater. Thus we have seen how they used the Indulgence, of *sometimes confirming* their Grants in *Convocation*, to extend their Claim of *always confirming* them: And, from this latter Allowance, how they were encouraged to ask the Privilege of *sometimes making* their Grants in *Convocation*: which, when imprudently connived at, they proceeded, in a little Time, to claim the Right of *always making* them there. With

what Success they accomplished all this, may be seen above, where they declare, as if they had ingrossed to themselves the Gift of Memory as well as Languages, *that their Grants never had been, nor ought to be made in Parliament.*

BUT, so the Clergy *granted*, the indigent Monarch was little delicate about the Manner how. He thought he had fully secured the main Point, by always summoning a Convocation along with a Parliament. But he was out in his Reckoning: the Clergy were not to be so served. They appear to have been ill at Ease while labouring under this Badge of civil Dependency, the Necessity of granting when the other *Estates* did. They therefore at length assumed, not only, that they ought to grant no where *out of* Convocation, but that, *in it*, they should grant but when they themselves pleased, as their own Consent, they pretended, was necessary to bring this Convocation together. In the weak Reign of *Richard II. Courtney*, Arch-Bishop of Canterbury, plainly tells the King himself—*Credimus quod Clerus convocari non valeant, nisi scripsimus pro eodem*^f. By a dextrous Pass of Hand,

^f When a modern Arch-Bishop of the same See (and to judge of him only by what follows, one might, though very erroneously, suspect him of the same Principles) had entertained us with this flattering Story of the Arch-Bishop *Courtney*, he proceeds

Hand, trying to establish this *usurped* Right on a former *contested* one; by confounding the new Provincial *Convocation*, called for civil Matters, with the old Provincial *Synods*, convened only for Spiritual.

proceeds thus; “ Nor has the Statute of the 25th of *Hen. VIII.* “ had any other Influence on the State of these Assemblies “ [viz. *Convocations*] as to this Matter [viz. the Right of “ calling themselves] THAN ONLY THIS, that whereas, be- “ fore, the Arch-Bishop might, whenever he pleased, with- “ out any other Direction, by his own proper Motion have “ summoned his Clergy to a Synod, now he may not do it, “ but by the King’s Writ to warrant him therein : But as for “ the POWER of calling them, that is still left to him as it “ was before.” *Wake’s State of the Church and Clergy of England*, p. 11. I believe, the Reader would suspect me of a Design to banter him, if in a similar Case, I should argue in a similar Manner, and say, “ The FREE Election of a Bishop “ by his Chapter, has received *no Change* from what it was in “ ancient Times *but only this*; that whereas, anciently, the “ Chapter, without any other Direction, might, on a Va- “ cancy, by their own proper Motion, chuse a new Bishop; “ now they may not do it, but by the King’s Writ of *congé d’ eslire*; which they must wait for, before they proceed to “ Election. But as for the RIGHT of chusing their Bishop, “ that is still left them as it was before.” For without doubt the incurring a *Præmunire* for summoning a Synod, and chusing a Bishop, before the King’s Writ comes, or refusing to summon or to chuse after it is come, can never affect the *Power* of the one or the *free Choice* of the other.---But this will ever be the Case even amongst Men of the most reasonable Principles, when they write, as Party, and not as Truth, directs their Pen.

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It is true, that by this Conduct, they lost as much of their *legal* Ground on one side, as they had gained of their *usurped*, on the other. For when they had possessed themselves of the Power of granting only in Convocation; and claimed to assemble that Convocation when they themselves thought fit, they had no longer a Pretence of being an *Estate in Parliament*. But their Canonists had warned them of the Danger of parting with any Thing they had once got. So that trusting to what stood them in more Stead than their own Clerkship, the Ignorance of the Laity, when in the fourth Year of *Richard II.* they had, as we have seen, affirmed IN VERBO SACERDOTIS, *that their Grants never had been, nor ought to be, made in Parliament,* and thereby fairly abolished their *Estateship in Parliament*, they did not scruple, in the twenty-first of the same Reign,—to pray the King, *that since divers Judgments were undone HERETOFORE for that the Clergy were not present, they might appoint some common Proctor with sufficient Authority for that Purpose.* They confided in their Logic, and were not deceived. They desire they may be still acknowledged an *Estate in Parliament*, because they had been one, HERETOFORE. And the Demand was granted: for what Court could resist the Force of such an Argument?

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By what hath been said, the Reader may now understand, that since the Time of *Edward I.* there have passed three Periods, in the Course of which, the Clergy exercised this Right of *taxing themselves*. The first was when they did it in Parliament only. The second, when they did it sometimes in Parliament and sometimes in Convocation. The third, when they did it in Convocation only. Under the two first they were, without all Question, a *Civil Estate in Parliament*: under the last, a *Civil Estate only in Convocation*, which they continued to be all the time they taxed themselves in that place. But when they had given up this Right to the Community, they ceased to be a *civil Estate* even in *Convocation*: and from thenceforth were no other than Representatives of the Church in their *Synods* for spiritual matters. And in Quality of a *Civil Estate*, were reduced back to what they were before the Time of *Edward I.* AN ESTATE OF THE KINGDOM. Very properly distinguished from an *Estate in Parliament* or in *Convocation*, notwithstanding Bishop Stillingfleet's reasoning to the contrary: Who says,—“ That “ then the *three Estates are not* REPRESENTED “ *in Parliament.*” For this is a Mistake. No *Estate* can sit in Parliament but for their TEMPORALS: And the Clergy, since they ceased to tax themselves, have been represented for their

temporals,

temporals, by the COMMONS; whose Members are chosen by the Clergy and Lay People promiscuously, according to their respective Properties. It is true, this Answer would be defective were the *Temporalities* of the Clergy of a distinct Nature from those of the Laity, as was the Doctrine in the Times of Superstition, when a certain Consecration of one Part of them, and a divine Designation of the other, sanctified their Property, as it did their Persons. But the Clergy have long since become both wiser and honest. They own their Possessions to be a Property derived to them from the same civil Source with that of the Laity; that it is all of the same *Species*; and consequently may have the *same Representation*. But, the learned Prelate's Phrase is curious—*An Estate REPRESENTED in Parliament, for, an Estate sitting in Parliament*: But the Impropriety was unavoidable. The Churchmen in Parliament were, at this time, too few to be called *an Estate*, he therefore chuses to call them *the Representatives of an Estate*.

AGAIN: "I cannot see (says Bishop Stillingfleet) how it can be avoided but the Bishops in Parliament must be one of the *three Estates*, unless a Convocation sit." And then I suppose his Meaning is, that not the Bishops alone, but they, with the rest of the Clergy, make
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the *first of the three Estates in Parliament*. His whole Reasoning being founded on this mistaken Principle, that it is now essential to the British Constitution that its Parliaments should be composed of THREE ESTATES. At least, he must suppose, that since there was once *three* + *Estates* in it, no Change has been made in the Constitution; no such Change having been proclaimed. But this Change, we say (as important as it is) is a Matter which may be done in Silence, and by Degrees, as well as suddenly, and with much Noise.

*His own
conception*

To return: The Time when the Clergy ceased to be *a civil Estate in Convocation* is well known; for the *Æra* of their giving up the Right to tax themselves is in every Man's Memory. But the precise Time of their ceasing to be an *Estate in Parliament* cannot be so well fixed. It was certainly, at the Time when they no longer gave in *Parliament*, but in *Convocation* only. Yet, when this was, is not easy to be found. For they gained their Point, as we observed above, gradually, and Step by Step. First, they grew importunate to have their Grants in Parliament, *confirmed* in Convocation. When they had got thus far, they tried for the Privilege of *granting* in Convocation. This was not so easily obtained: however, occasionally,
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it was indulged. So that, for a course of Years, they sometimes *granted* in one Place, and sometimes in another. At length they gained the Point they were ever aiming at from the first; to be allowed to give their Subsidies *always in Convocation*. From thenceforth the Clergy, no longer granting in *Parliament*, were
 + no longer any *Estate* there. This precise Time, tho', for the Reasons just given, it be not likely to be ascertained, yet one would think that the small Number of the Clergy which afterwards came to Parliament, would have pretty well marked it out. And so indeed it would, but for that Perversity and wayward Ambition in the Clergy, who would needs continue an *Estate* in Parliament, though, by persisting to grant only in *Convocation*, they had transferred their *Estateship* (together with their Submission) from *Parliament* to that other Place: And the *præmunientes* Clause continuing (as it still does) to run the same, in the Bishops' Writs of Summons to Parliament, supported them in this absurd Idea. However though, occasionally, they sat in Numbers like an *Estate*, some think, as late as *Henry VI.* yet from the Time (as well as we can guess) that the Clergy granted *only in Convocation*, they gradually paid their Attendance in *Parliament*, in fewer and still fewer Numbers; till at length none came thither except the Bishops and greater Prelates.

Prelates. But, indeed, it was no Wonder the Clergy should indulge this Notion of their being still an *Estate* in Parliament, even after they had refused that Submission and Service of granting in Parliament, which was the only thing that made them so; it is no Wonder, I say, they should be fond of this Notion, since the *two other Estates* appear to have been long under the same Delusion, with regard to these Prelatical Deserters. For the Clergy, as we said, coming from thenceforth (except when their usurped Claims were in Danger) in small Numbers to Parliament, the Speaker of the House of Commons 21 of *Richard II.* required that the Clergy should constitute a Proxy to Parliament; because, says he, “Divers Judgments and Ordinances have been repealed and annulled, for this Reason, that the STATE of the Clergy was not *present* in Parliament at the making of them^s.” The Speaker’s political Logic not reaching to this Truth, That when the King and Parliament had consented that the Clergy should grant their Parliamentary Subsidies in *Convocation*, they were no longer a

^s Arch-Bishop *Wake* observes that to the 5th of this King, the Writs to the Clergy ran to *do* as well as to *consent*; from the 5th only to *consent*, reducing (says he) *their Power to a mere Matter of Consent*. But is not *consenting* and *dissenting, doing*; and does it not imply that their Consent was thought necessary, as an *Estate*?

STATE

STATE in *Parliament*, but a STATE in *Convocation* only. On the same mistaken Principle, it continued a Custom long after, for the House of Lords to adjourn themselves on those Days when the Bishops and Prelates were to be absent in Convocation, as wanting, at such Times, this imaginary ESTATE. Nay, the whole LEGISLATURE, the King and Parliament, even down to the Time of *Elizabeth*, continued, in their Public Acts, to give the Name of an *Estate* to the Clergy in Parliament.

*It has not
been allowed*

THAT the NAMES and FORMS of Things should remain the same long after the Things themselves have ceased or been abolished, will appear nothing strange to us, when we reflect, how adherent and tenacious the People, in all Times and Places, have ever been of old Modes and Fashions. Especially when we observe further, that their Governors have generally found it for their Interests to comply, in this Matter, with the People's Humours and Tempers. So that when a *Constitution* hath undergone a Change, not by Violence, but by slow and insensible Degrees, OLD NAMES AND FORMS have still continued; and kept their Ground so long that, at length, for this very Reason, the *Change* itself hath been called in Question. Nay, when the *Constitution of a State* hath been totally changed, and even by sudden Violence, as was
that

that of the Republic of Rome to an imperial Tyranny, so fond were that People of *old names*, and so apt are all People to take *names* for *things*, that the Usurpers found a necessity, and found their account in that necessity, of having NOMINAL *Consuls, Pretors, Tribunes, &c.* according to the old Republican Forms.

WE need not wonder then, that when the Clergy, so lately as *Elizabeth*, were called, by the several Statutes of her Reign, an *Estate in Parliament*, there should have been ever since several Particulars of great name, both amongst the Clergy and Laity, some with good faith, and some without, who have persevered in contending for this imaginary *Estate*. Not all, for the sake of the Clergy: The Constitution has engaged the care of many, who finding the Records speak so frequently of THREE ESTATES in Parliament, and seeing from many of the circumstances, occasionally enforced above, that the Clergy could no longer be one of them, they have, in order to make out *three Estates in Parliament*, (essential, as they falsely supposed, to the Constitution) made the King himself the FIRST ESTATE, in direct opposition to the very nature and genius of all FEUDAL Governments.

THUS have I endeavoured, by a plain historical deduction of facts, to clear up a very em-

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broyled affair: In itself, of importance; but necessary to be explained, if we would discourse intelligibly on the two next questions, which I promised to discuss.

II. THE first is, In what capacity the Bishops now sit in the House of Parliament, when they are no longer an ESTATE there? Whether as PRELATES of the Church, or as BARONS of the Realm, or Both?

THE House of Lords compose two Sovereign Assemblies; a supreme COURT of Judicature with the King at the head; and an ESTATE of Legislature. The Bishops sit in this supreme Court of Judicature as BARONS OF THE REALM. In the Saxon times, indeed, they held their Temporalities in *frank Almoigne*: But the Conqueror, much against their will, changed that tenure into *Baronage*, by subjecting them to all the Services of Lay-Baronies. The Constitutions of Clarendon go upon this Principle, and declare that the Bishops sit as *Barons* in the supreme Court of Judicature. “ARCHIEPISCOPI, “EPISCOPI, (says the Constitutions) et universæ Personæ Regni, qui de Rege tenent in capite, habent possessiones suas de Rege, sicut BARONIAM, et inde respondeant et sicut cæteri Barones debent interesse Judiciis Curiae Regis.”—On these *Constitutions*, NAT. BACON observes

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observes, and rightly, *that they were made by the Lords in their judicial Capacity.* The Constitutions are formed upon the Principles of the FEUDAL LAW, which directs, that *Barons* of the Realm only, shall compose this Court. Indeed, according to the nature of Civil Government in general, as well as of the *Feudal* in particular, none but *Barons* for their Temporalities, whether lay or ecclesiastical, can sit in such a Court of Justice.—As Ministers of Christ, or as Successors to the Apostles in the government of the Church, no Bishop has any *civil jurisdiction* belonging to his office. *Who made me a Judge or Divider amongst you?* says their divine Master. So that whatever *civil jurisdiction* Churchmen have, they derive it all from the *Civil Power*: And from this Power of the *Feudal* kind, *Ecclesiastical Barons* are invested with right of Judgment, in that Supreme Court.

It is otherwise in the Legislative part of this high Assembly. There, the Bishops sit as PRELATES OF THE CHURCH, in behalf of Religion; nothing being more consonant to right reason, in a Christian Country, or more essential to an *Alliance between Church and State*, than, that certain of the superior Clergy should be of the higher Court of Legislature: Not as *Representatives* of the Church, any more than Lay Lords are *Representatives* of the State, but as members

simply of each Society, yet, at the same time, as GUARDIANS of each, respectively. But with this difference, that as the Temporal Lords are ordained to watch over the civil interests primarily, and the religious interests in the second place; so the Spiritual Lords are to intend the religious interests primarily, and the civil, only in the second place. *Lay* and *Spiritual* Lords belonging to both Societies; but belonging to them in the varying modes of relation above explained: The indispensable qualification both of the MAGNATES and the PRELATI to bear this share in Legislation, being their BARONIES.

THAT this is the sense in which the English Constitution considers the Bishops' Seat in this high court of Legislature appears from the old custom, in the vacancy of a See, to send writs to the GUARDIAN OF THE SPIRITUALITIES to attend Parliament: a plain declaration, that Government considered the Bishops' in Parliament as *Ecclesiastical Prelates* sitting in behalf of Religion, rather than as *Barons*: For, the Barony, at this period, is, as it were, in *Abeyance*. While Churchmen made a third Estate in Parliament, the Bishops sat as BISHOPS, properly so called, and BARONS: Ever since, they have sat under the more general idea of PRELATES, or superior Churchmen, and BARONS; as Bishops now do

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in the Germanic Diets, where they sit as Prelates and Princes of the Empire.

THIS will assist us to appreciate the value of Lord Chief Justice HALE's Opinion concerning Bishops in Parliament, as we find it in a manuscript treatise *touching the right of the Crown*, communicated to me by a Friend. By which it appears, that his not properly distinguishing between the *Court of Judicature*, and the *Estate of Legislation*, in the HOUSE OF LORDS, hath spread over his discourse much inaccuracy and confusion.

His words are these:—"The Bishops sit in the

"House of Peers by *Usage and Custom*, which I

"therefore call *Usage*, because they had it not

"by express Charter, for then we should find

"some. Neither had they it by Tenure; for,

"regularly, their Tenure was in *Free-Alms*, and

"not, *per Baroniam*, and therefore it is clear

"they were not *Barons* in respect of their pos-

"sessions, but their possessions were called Ba-

"ronies, because they were the possessions of

"Customary Barons. Besides, it is evident that

"the Writ of Summons usually went *Electo &*

"*confirmato*, before any restitution of the Tem-

"poralties; so that their possessions were not

"the cause of their Summons [as it was in part,

"and but in part, in the case of some Abbots.]

"Neither are they *Barons* by prescription; for

"it is evident that as well the lately erected

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“ Bishops, as *Gloucester, Oxon, &c.* had voice in
 “ Parliament, and yet created within time of
 “ memory, and without any special words in the
 “ erection thereof to intitle them to it. So that
 “ it is a privilege by usage annexed to the Epis-
 “ copal Dignity within the Realm; not to their
 “ Order, which they acquire by Consecration;
 “ nor to their Persons, for in respect to their
 “ Persons they are not Barons, nor to be tried
 “ as Barons, but to THEIR INCORPORATION and
 “ Dignity Episcopal.”——*The Bishops sit in the*

House of Peers by usage and custom. This is
 observed, to shew a difference between their
 right, and the right of the Lords-temporal.
 He gives two reasons for his Assertion. 1. *Be-*
cause it is not by express Charter. 2. *Neither by*
tenure; for that, REGULARLY, their tenure was in
FREE ALMS, and not PER BARONIAM. His first
 reason is allowed; but then it includes many
 Lords-temporal, who sit by *usage and custom.*
 His second reason is more to his point, but not
 true: for though during the *Saxon* times, they
 held their Possessions in *free Alms*: Yet as the
 learned Chief Justice well knew, this tenure
 was changed by the Conqueror, (along with the
 Constitution itself) into the *tenure per Baroniam.*
 Now, because they once sat, and not for their
tenures, does it follow, that they cannot sit at
 present for their tenures, which give a right by
 usage

usage and custom. The Clergy were once the *first Estate in Parliament*. Would the great Man have allowed it to follow, that they are so now? It is with regret that I take notice of a piece of management and argumentative *finèſſe*, in the most candid of all writers.—REGULARLY (says he) *their tenure was in free Alms*. If instead of, *regularly*, he had said, *anciently*, the phrase had been exact, and the proposition true. But then it would not have served his purpose. *Regularly* (says he) *their tenure was*—this, though a kind of jargon, is to insinuate however, that *regularly their tenure is*. Yet this being visibly false (because the Conqueror changed what *regularly was*—free Alms; into what *regularly is*, per Baroniam) the good man chose rather to *insinuate* by an obscure phrase, than to *affirm* in a plain one.

BUT further, to support his second Argument, he observes, that *the Bishops' Writ of Summons* USUALLY went *electo & confirmato*, before any *Restitution of the Temporalities*. And for a good reason; but a reason which makes nothing for his point; though this he did not see, from his not chusing to distinguish between the Lords' *Juridical* and *Legislative* Capacity. In the latter, we have shewn, that the Bishops sit as *Prelates* and *Guardians* of the Church, and not as *Barons*; though their *qualification* to sit in a Court of

Legislature is their Baronies: In the *former*, they sit as *Barons*. But the principal branch of Parliamentary business being the *Legislative*, the *Juridical* being only occasional, we easily understand how it came to pass, that the Summons USUALLY went *electo & confirmato*. This leads me to observe, (as it tends more clearly to explain this matter) that the practice of the great Officer of State, who issues these writs, has been, sometimes to send them *before the restitution of the Temporalities*; sometimes *after*; just as they happened to conceive of the Bishops' right in general; or to distinguish concerning the exercise of it, in the two distinct Courts, in particular.

THE learned Chief Justice gives his second argument this further Support. *Neither are the Bishops, Barons by Prescription, for the lately erected Bishops, as Gloucester, Oxon, &c. had voice in Parliament, and yet, created within time of memory.* But surely, if the Temporalities of the ORDER be *Baronies by Prescription*, as his argument seems to allow, then, in all reason and common sense, those Members of the ORDER, lately formed, are, by the very Erection of their Bishopricks, partakers of all the rights of *Barons by Prescription*, enjoyed by their elder Brethren: and this, on the very principles of the learned Chief Justice himself: who, in conclusion,

clusion, tells us, they derive all from *their* INCORPORATION and Episcopal Dignity. But we know that all the *Members* of an *incorporated Body* enjoy the same rights and privileges in Common. This shews the true reason of a fact which the learned Judge seems to lay some stress upon, where he observes that in the Creation of the new erected Bishops, *there are no special words in their Erection to intitle them to the rights of Barons by Prescription*: for now, we see, even on the Learned Lawyer's own Principles, there was no need.

FROM all this defective reasoning he thus concludes.—*So that it is a Privilege by usage annexed to the Episcopal dignity within the realm, not to their Order, which they acquire by consecration.*—He means, they sit as *Bishops of the Church of England*, not as *Bishops of the Universal Church*. This is true when meant of their Seat in the Court of Legislature only.—He goes on,—*the Privilege is not annexed to their Persons, for in respect to their Persons, they are NOT BARONS.* It hath been here evidently shewn, that THEY ARE; and that the *privilege* of sitting in the high Court of Judicature is annexed to their *Baronies*; which *Baronies* are a QUALIFICATION for their sitting in the Court of Legislature; though in this Court, the *privilege* of the Bishops (to speak in the Chief Justice's own language)
be,

154 *Of an ESTABLISHED CHURCH. B. II.*
be, IMMEDIATELY annexed to the Episcopal dignity
within the Realm.

III. THE last question is concerning the PARLIAMENTARY PEERAGE of the Bishops. For such is the perversity of opposing Parties, and their equal propensity to fall into contrary extremes, that while some Churchmen, on the one hand, will still have the Bishops an ESTATE in Parliament, although it hath been extinguished long since; so on the other, some Laymen seem unwilling to allow, that the Bishops are even PEERS in that place, though long possessed of this uninterrupted Title; at all times, recognized by our *Kings* and *Parliaments* themselves. By these, they are declared to be—PEERS of the Land—PEERS of Parliament—PEERS of the Realm. In the 15 *Edward II.* when the Parliament reversed the Judgment of the *Spencers*, one Cause by them assigned was, *Because the Lords Spiritual who were PEERS assented not to it.* In an Act of 25 *Edward III.* intitled, *A Bishop's Temporalities shall not be seized for a Contempt*, this reason is given,—“Sith
“they be PEERS of the Land, the King, &c.” In the 21 *Richard II.* they are called *Peers of the Realm, Peers in Parliament, and Peers of the realm in Parliament.* And when the Commons prayed, that Arch-Bishop *Arundel* might be put in safe custody, the King's answer was, *That*
he

he would be advised, because the impeachment touched a PEER of the Kingdom.

BUT perhaps it will be said, “ That some change in the Constitution may have deprived the Bishops in particular of their PEERAGE ; as it did Churchmen in general, of their ESTATE in Parliament : although the NAME of *Peer* (like that of *Estate*) might be long in use, even after the thing itself was lost and abolished.” To this I answer, That the change in the Constitution, whereby Churchmen lost their *Estate* in Parliament, has been fully explained : It will be incumbent therefore on the enemies of the Bishops’ *Peerage* to shew what change it was in the Constitution which deprived the *Order* of this latter title. As they are not likely to do this, I shall proceed ; And first, it may be asked, what mighty reasoning it was which disposed them to conclude, *that Bishops were not Peers in Parliament.* For as to the late offer of an argument, “ that PEERAGE belongs only to HEREDITARY *Baronies*,” it was urged under an entire forgetfulness of the nature of *feudal tenures*. The greater Lay Fiefs, long before they became *hereditary*, were only PERSONAL, for term of years or life. But the authentic argument is this, “ That in capital cases, the Bishops are “ not tried by the *Peers*, but by a Jury of the “ *Commoners* : And that they themselves cannot “ fit

“ sit in Judgment upon the *Peers*, when it proceeds to the loss of life or members.”

THE reasoning, we see, stands on this false PRINCIPLE, *that the title of Peer in Parliament depends on their judging and on their being judged.* Now granting, for the present, that the *Principle* is true, it will by no means follow, that these premisses infer the conclusion, that therefore the Bishops are *not Peers* in Parliament. For tho’, in *Capital cases and of blood*, they try not, neither are they tried, in the manner which these men imagine to be *essential to Peerage*, yet in *misdemeanours* they have the common right and privilege of trying and being tried like the Lay Lords. If therefore the Argument hath any strength, which concludes that the Bishops *are not Peers*, because they neither try nor are tried in capital cases and of blood; it is equally strong when it concludes, on the other hand, that they *are Peers*, because they try and are tried in cases of *misdemeanour*. From all this, my Logic teaches me to infer, that the reasoning which concludes both ways can conclude neither.

BUT, a truth laid down under the second head, and enforced by *the Laws and Constitutions of Normandy*, might teach men to reform their Logic on this occasion.

BARONES

BARONES (say these Constitutions) autem per PARES suos debent judicari^a. I argue then in this manner—All BARONS (according to the feudal Law) have a right to be tried by their PEERS. The Bishops are acknowledged to be BARONS; therefore they have a right to be tried by their PEERS. This is common sense. But what name now shall we give to this distorted reasoning. *The Bishops are not tried by Barons, therefore they are not Peers!* The rules of good reasoning require that our Adversaries' premisses should have a very different Conclusion. —*The Bishops are not tried by Barons, therefore they are not Barons.* But the misfortune was, their *Baronies* were acknowledged; and therefore they had only that mishapen Syllogism to trust to. In a word it was not the *Trial*, it was the *Barony* which made the PEER. But why should we stand quarreling with the *form* of the *Argument*, while the Argument itself is destitute of all *substance*. The vanity of it may be shewn in very few words. It is only desiring the learned Reader to recollect, How it came to pass that the Bishops' right of trying, and being tried by, their Peers, in capital cases, fell into disuse.

In the times of Church Tyranny and Superstition, the Clergy now become all powerful,

^a *Jur. & Const. Norm. c. ix.*

amongst

amongst their many usurpations, claimed this, an exemption from the Civil Tribunal: for, serving *two Masters*, and both, unfaithfully, they soon learned the trick of escaping the KING's justice by sheltering themselves under their spiritual head, the POPE. The Clergy had provided largely for Lay-Rogues of all kinds; who, in old pagan Asylums, new-christened, *Sanctuaries*, and spread over the whole Land, might safely defy the justice of the Laws: And they thought it hard not to have one *place of refuge* for themselves. This, partly through the ignorance, partly through the superstition of the State, though it had long struggled against this new species of Treason, was, by the time of *Henry IV.* become a Legal Doctrine. This King would have had Sir *W. Gascoine*, a man of great probity, and knowledge in the Laws, arraign Archbishop *Scroope*; whom the Sovereign had taken in Arms, fighting against him. But the Chief Justice told his Master, "that, by the Constitution, neither his Highness, nor any one by virtue of his Commission, could be authorized to sit upon the life of a Bishop." However the King procured another Judge who was less scrupulous; and by his assistance this Metropolitcal Rebel was condemned and executed. Tho' he is said, to be the first Bishop who suffered death in England by the Sentence of Civil Judges. And the POPE did all he could that
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the first Bishop should be the last; for he excommunicated those who were concerned in the impiety of that Sentence. Thus the matter stood till the dawnings of the Reformation. And when afterwards the Bishops returned to their Obedience, and a willing Subjection to the Civil Power, the Lay Peers once irritated, never since thought fit to forget this insult on their Peerage; but left them to apply for justice where they could. Though I am inclined to think, that when *Henry VIII.* had extinguished the Papal Authority in England, he would have restored the Bishops to that high privilege of Peerage, the being hanged by the LORDS, had not the first Episcopal Criminal been Bishop FISHER, his most inveterate and personal Enemy. And when once there was a Precedent to try a Spiritual Peer by Commoners, the old resentment still fresh in the HOUSE would do the rest.

THE other Episcopal Claim of exemption, *the not sitting on their Peers in capital cases*, has a more certain and determined Original: although it arose from the same treasonable Principle, which encouraged them to desert the Civil Laws, and adhere to the Ecclesiastical. Arch-Bishop *Lanfrank* had, in a Synod at London, procured the following Canon of the Council of Toledo, to be received amongst the Ecclesiastical Laws of this realm: a Canon founded in hypocrisy,
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and a feigned shew of superior *mercy* and *purity*.

——“ Ut nullus Episcopus vel Abbas seu qui-
 “ libet ex Clero hominem occidendum vel mem-
 “ bris truncandum judicet, vel judicantibus suæ
 “ autoritatis favore commendet.” Henceforth

the Bishops, in such cases, to prevent the danger of incurring what, in the language of Canonists, is called an *IRREGULARITY*, begg'd leave to withdraw. This at first was hardly granted, and with much reluctance, both by King and Parliament, as it was a declining of the Service of their tenures; a misdemeanour, on the feudal ideas, of a very high nature. Yet here again they got another triumph over the State; and the *Constitutions of Clarendon* established them in this usurped privilege likewise. “ Archi-
 “ episcopi et Episcopi, *sicut cæteri Barones*, de-
 “ bent interesse Judicijs Curia Regis quousq;
 “ perveniatur ad diminutionem Membrorum
 “ vel ad mortem.”——However this Constitu-
 tion (we see) in its first and principal intention is *positive*; and *negative*, only in its second and inferior. They are *required* to sit in Judgment, and only *indulged* to withdraw when the Sentence proceeds to loss of life or member. But we may be sure, it was not in the intention of the Bishops, while they were extending their *ecclesiastical* privileges, to give way to the loss of any of their *civil*. They took care therefore, when such *Judgment* was to be given, to offer
 (together

(together with their *request* to withdraw:) a PROTEST that their withdrawing was an INDULGED RIGHT, not an EXCLUSION. And that this might be kept in perpetual memory, they required it to be registered. In this they call themselves *Pares Regni*; and their right to SIT STILL, *jus paritatis*. So little did they foresee, after all this caution, that their PEERAGE could ever be called in question, from their asking leave to observe the Canon of Toledo.

THIS is a fair and true account of matters of fact; from whence arose the custom of Bishops to withdraw, on the trial of Peers, when the sentence came to loss of life or member; and of their being sent themselves to an inferior Tribunal, when charged with a capital delinquency. Which yet, is not given to insinuate the justice or equity of restoring them now, in these happier times of Gospel light and liberty, to those Rights, which they themselves had abandoned. Perhaps true Policy may require that that desertion of the service of the State, and that refusal of civil subjection, should, for example's sake, be branded with a lasting punishment, to deter bad Churchmen, in all future times, from wantonly insulting the powers and prerogatives of Societyⁱ. Yet still, this reasonable justice

ⁱ CARTE the Nonjuror, AN ENGLISHMAN, as he calls himself, WAS (with a good deal of knowledge in old records, but with-

justice should not be abused, by extending the punishment to a deprivation of that dignity which the Bishops never gave up, but always claimed, and, what is more, was, by sovereign authority, always acknowledged.

THIS account opens our way (which is all that is intended by it) to the discussion of the last Question; Of the Bishop's PEERAGE; by shewing, in the first place, that these JUDICIAL RIGHTS in part lost, and in part contested, were not of essential concern to their *Peerage*, in the original Feudal Constitution, but accessory only to it; and occasionally arising from it. *Spelman*, who went upon these ideas, distinguishes very rightly, the PARES (as they were, at first) generically considered, from the PARES CURIÆ, as they were afterwards specifically understood. The former, he thus defines, "PARES dicuntur qui acceptis ab eodem out judgment) set on work and publicly paid to write a JACOBITE HISTORY OF *England*. This man, to support his doctrine of *indefeasible Right*, observes, when he comes to the reign of Henry IV. That the Clergy of *England* have never THRIVEN under (what he calls) an *Usurpation*. One of their oppressions under this reign, being, as he reckons, to be enrolled in a Commission of Array to oppose a French Invasion. Now could any thing be more destructive of his avowed purpose than this silly observation, or more recommend an interrupted Succession to his Matters, (who I suppose are *Englishmen* too) than that, at such seasons, the encroachments of the Clergy on the Civil Power, were wont to receive some check?

Domino,

Domino, puta Rege, feudis PARI LEGE VIVUNT."

The other, thus, "PARES CURIÆ sunt qui in eadem Curia PARI FUNGUNTUR POTESTATE.

—EJUSDEM CURIÆ JUDICES"—But, *pari lege vivere*, he makes of the very essence of the PEERAGE in all feudal Constitutions. If ever, therefore, our Prelates endangered their *Peerage*, it was when, submitting to Canons against Laws, they acknowledged the POPE for their *Seigneur Suzerain*; and so, were not, like the Lay-Peers, *sub pari lege*. But when they returned to their Obedience, and that Obedience was ACCEPTED, their right of *Peerage* was again, *rectum in curia*.

NAY should we admit, that the Rights, Privileges and Prerogatives of the *English Peerage*, (both Legislative and Juridical) stood all upon one original and equal footing, yet the loss of one or two, out of many (if that indeed were, as it is not, the case) could never deprive these partial sufferers, of their *Peerage*.

INDEED, in that other kind of *Peerage*, amongst the *equal People of a Vicinage*, where they derive their title from the common exercise of a single Right only, viz. the trying, and being tried by, one another, whoever loses this right, loses his *rural Peerage*. But where the title is derived, as in this *Sovereign Peerage*, from the exercise of many common rights and prero-

gatives, the loss of one (especially if the *TITLE*, as here, was not derived from that *one*) cannot, while he enjoys all the rest, deprive him of the name of *Peer*, any more than the loss of an arm can deprive the loser, of the name of *Man*; which was derived to him from the donation of many *essential* parts, which he still possesses; analogous to those *essential* parts in Legislation, still enjoyed by the *Lords Spiritual*. For the rights exercised by the supreme Court of Legislature are the *essential Prerogatives of the Peerage* not those rights exercised in a Supreme Court of Judicature, annexed to Parliament. On this plain distinction, arising from the first principles of Common sense, it was, that our incomparable SELDEN apparently went, when he declared it, as his opinion, that the Bishops' ceasing to claim or to exercise any part of their *Juridical* power did not deprive them of their *PEERAGE*.

BUT the *DENIAL* of the Bishops' *Peerage*, for the reason here assigned, is a novel Conclusion, how respectable soever become by the quality of those who lately deduced the Conclusion; and of those who more lately supported it. The *Peerage* of the Bishops hath, by all the *ANCIENT PARLIAMENTS*, been invariably and incontestably acknowledged, even then, when their right, and the exercise of that right, in *trials by Peers*, stood just as it doth at present. So little conception

ception had those ancient Barons (who best knew the nature and privileges of their own Tenures) that the Bishops' claim of exemption from the Civil Tribunal, and licence to follow a Canon against Law, (though the Barons disputed both) could at all effect their Prerogative of *Peerage*. To give one example out of many. In the *protestation* of the Clergy, 2 Richard II. they call themselves *Pares regni—cum cæteris dicti Regis Paribus*—meaning the Lay-Lords. This *protestation* was enrolled in full Parliament by the King's Command, with the assent of the Lords temporal and Commons; and so became a compleat Statute. It is further to be observed that, in this Parliament, the Lords temporal were all-powerful.

WHAT hath been hitherto said hath gradually opened to us the true Principles on which this question must be finally decided: To speak out, The argument employed (and no other has been yet advanced) for this DENIAL of the Bishops' *Peerage*, stands on a mere EQUIVOCATION. The term PEER is ambiguous: It signifies either, the *equal* Inhabitants of a certain District, who enjoy, in common, a right of trying one another, by a select number, called a *Jury*; which sort of PEERAGE arose out of the old GERMANIC Constitution; or else it signifies, the *Magnates*, the *Patricij*, who sit in the Supreme Court of

Parliament, as the Great Council of the Sovereign; and this PEERAGE arose out of the later FEUDAL Constitutions. Now the Denial of the Bishops' *Peerage*, which is of the *feudal* kind, is only supported by an argument drawn from the nature of the *Peerage* of the *Germanic* kind; in which no other privilege than the *right of trial* gave the Title. Whereas in the *feudal Peerage*, the matter of juridical trial did not so much as come into the original idea of it; as we shall now shew.

Feudal Peerage arose from the common enjoyment of the privileges belonging to a BARONY; the first and most essential of which was the right of sitting in the great Council of the Sovereign, convened for the discussion of public affairs, and assembled in the high court of Parliament, with the Monarch at their head. *Discuntur PARES CURIAE* [Senatoriæ] (says *Spelman*) *quod in Curia Domini illius cujus sunt Vasalli, parem habent Potestatem.* But the King being the Fountain of JUSTICE, as well as HONOUR, he constituted in this Assembly, his supreme court of *Judicature* as well as of *Legislation*. Yet that this did not come into the first ideas of these Sovereigns, who created the FEUDAL PEERAGE, appears from the more early definitions of the title.

THE word *Peer* or *Par*, in the feudal language, when applied to the *Magnates* signifies, in its original, men who hold of the Sovereign, by one common tenure, and under the same services, those higher Fees, called Baronies. In the Parliament of Northampton, held by Henry II. the Bishops challenge their *Peerage* under this idea only; and under this idea it was allowed them. “Non sedemus hic Episcopi, sed Barones. Nos BARONES, vos BARONES (say they to the Lords temporal) PARES HIC SUMUS.” This was no new Logic. For in the old English and French Writers, BARON and PEER or *Par*, are always used as synonymous or convertible terms. And with what good reason, *Du Cange* tells us, where he says, PARES EXINDE APPELLATI UNIUS DOMINI CONVASSALLI. Hence, in the Feudal Law, *Par integer* is he who holds a whole Fee; and *Semi-Par*, he who holds but half. That this was the essence of the *feudal Peerage*, and the thing in which it originally consisted, appears likewise from the ancient Oath of a *Peer* of France, given us by *Ducange*, where nothing else was exacted but
 “fidelity to the King and Crown of France; a
 “promise to give him faithful counsel when
 “asked, and to keep *his* secrets and *their*
 “own.” These were the *Pares Convassalli*.

* Art. [PARES] in his Gloss.

Afterwards, when their Court of Judicature received a more regular and settled form, the Oath was enlarged; and then, as he tells us, these words were added to it—to render—*la justice au Pauvre comme au Riche*. And now the Barons became PARES CURIÆ [juridicæ] as well as PARES CONVASSALLI; the King's equal Judges, as before his equal Vassals.

A Supreme Court of Judicature, in its first and essential idea includes the duty (as the Oath exacts) of rendering Justice to others, *the Poor as well as Rich*. But the members of this Court being themselves like others, obnoxious to Justice; and it being unsuitable to their dignity to come juridically before their Inferiors; it was thought most agreeable to equity, that they should be tried by their Peers, in their own Court: just as, by the Germanic Constitution, all the Inhabitants of the Vicinage of equal rank did try, and were tried by, their *Fellows*; for whose use and credit, the *feudal* term of PEERS was borrowed; and is thus transferred to them, in this Law of Henry I. *Unusquisq; per PARES suos judicandus est, et EJUSDEM PROVINCIÆ*. But it was not that circumstance of trial amongst the Lords, (a consequence of their equality) but the equality itself, arising from their *Baronies*, which gave the title of PEERS to Lords of Parliament. So that the definition of PEER-

AGE formed from the circumstance of trying one another, is a mere modern notion, sprung from men's confounding the *feudal Peerage* with the *Germanic*.

DUCANGE had so little conception that the PEER and BARON were different dignities, that he calls those men *Peers*, indifferently, who were either summoned to the *great Council of the King*, or those who sat in judgment in the *Supreme Court of Judicature*. “Vox utraq;
“ (says he) eadem notione passim usurpata le-
“ gitur pro *majoris dignitatis Vassallis*, qui VEL IN
“ CONSILIUM adhibentur a Domino AUT Rege,
“ vel cum eo, PARIUM LITES DIJUDICANT¹.”

Conformably to this usage, the Common name for a *Baron*, as we have observed, was *Peer*, both amongst the old French and English Writers.

In conclusion, what is here said will instruct us, (which was the point aimed at) to judge of the accuracy of that distinction, which ALLOWS THE BISHOPS TO BE LORDS OF PARLIAMENT BUT NOT PEERS: since it hath been shewn, “that none but *Barons* in Parliament are *Lords* there; and that *Barons* and *Peers* are the same.”

III. To return. The third and last privilege the Church gains by this ALLIANCE, is the

¹ Gloss. p. 137,

being

being intrusted with a *Jurisdiction assisted by co-active Power*, FOR REFORMATION OF MANNERS. It is one of the *preliminary* articles of this Alliance, *that the Church should apply its best influence in the service of the State.* But there is no way in which it can be so effectually applied as by a jurisdiction of this kind. In speaking (in the first Book) of the natural defect in the original plan of Civil Power; and (in this Book) of the motives the State had to seek an *Alliance*; it hath been shewn, that there is a numerous set of duties of *imperfect Obligation* which human Laws could not reach; and several of *perfect Obligation*, which, by reason of the intemperance of the sensual appetites, from whence the breach of those duties proceeds, those Laws could not effectually enforce; as their violence yielded only to the influence of Religion. Now the good of Society requires that *these* should be reached and enforced: But the endeavours of *Civil Courts* (for of private *Societies for the Reformation of Manners*, the mention is too absurd) have always proved ineffectual: It was necessary therefore, that, in an Establishment, an *Ecclesiastical Jurisdiction* intrusted with coactive Power should be erected by the State, for a *Succedaneum* to the Civil Judicatures. And indeed the sense of those wants and defects which these Courts do supply, was the principal motive of the State's seeking

seeking this Alliance. So that the Abolition of SPIRITUAL COURTS (as they are called) would shake the very foundation on which the Establishment is erected. On the other hand, the Church having now given up her Supremacy, she would, without the accession of this authority, be left naked and defenceless, and reduced to a condition unbecoming her Dignity, and dangerous to her Safety.

FROM hence we deduce these COROLLARIES,

1. THAT *no Matters of Opinion; nor any Civil Matters, which the temporal Courts can conveniently inspect, come within this Spiritual Jurisdiction.*

NOT *Matters of Opinion.* Because the Church cannot lawfully exercise, though it were given her, coercive Power over Conscience. And because, what is thus given the State had no right to bestow. 1. We have shewn in the former Book, that all coercive Power is unfitly and unjustly applied by the Church to its own service. But, punishing opinions is so applying it: And we have shewn, in this Book, that the State lent this coercive Power to be employed in the State's service: For the Church therefore to employ it in punishing opinions, which is using it in her *own service*, is defeating the end for which it was communicated. 2. The State had no such power

power to bestow : *For no one can give that to another which he hath not himself.* And we have proved, that the State hath nothing to do with *Opinions.* In both cases, indeed, we admit an exception : The Church hath an adherent Power of Expulsion for not complying with its Formulary of Communion : And the State the same Power of Coercion for opposing any of the *Three great Principles of Natural Religion,* mentioned in the first Book of this Discourse. But then these Exceptions affect not the reality of the position, *That an Ecclesiastical Court, endowed with coercive Power, hath nothing to do with Opinions.* For, so far as respects the Church's inherent Power of Expulsion, when not attended with Civil Detriment, it is the same it was before the Union. On other accounts there is a difference ; for, since the Union, no one can be expelled for not complying with its Formulary of Communion without the State's Consent, as will be shewn in its place. And, with regard to those *Opinions* which concern the *fundamental Principles of Natural Religion,* which the State hath an inherent Power to restrain, the exercise of that Power is of so great moment and importance to the State, that it would not be safe to intrust it in any other hands : Besides it is very liable to abuse when exercised by *Spiritual Courts* ; a danger not likely to be incurred while in the

Civil

Civil: For the *former* have many temptations to confound these Principles with those of their peculiar modes of Religion; the *latter* scarce any at all. Nor ought Ecclesiastical Courts to *expect* this power, because it is what Temporal Courts can commodiously exercise. Which comes in with the other part of the division of those matters that belong not to Ecclesiastical Jurisdiction: namely, *Civil Matters, which temporal Courts may conveniently inspect*. These, we say, can never belong to an Ecclesiastical Jurisdiction. It hath been shewn, that this Court was erected as a *Succedaneum* to the Civil, to take cognizance of such actions as the Civil could not reach, or could not remedy. And we may be assured that nothing less could have induced the State to consent to its Erection. For the parting with a share of its Jurisdiction is not a matter of indifference; but, indeed, considering how liable it is to abuse in other hands, a real Evil; which, before the State could be persuaded to incur, it must be satisfied a greater Evil would be thereby avoided: And the suffering those transgressions which itself could not conveniently and effectually restrain, to go unpunished, was that greater Evil. A *less* therefore was providently chosen. From hence it is very evident, that the State could never intend to put those things under Ecclesiastical Jurisdiction, which fell most conveniently

under its own. Because here was an Evil incurred ; and no greater, yea none at all, avoided. Apparently, it was on this principle that the famous BRACTON went when he said, “ Non est Laicus conveniendus coram Judice Ecclesiastico, de aliquo quod in foro seculari determinari possit & debeat ^m. ” Besides, for Ecclesiastical Courts to engross matters which belong to the Civil Jurisdiction ⁿ, as it can possibly have no good use, may very possibly be attended with this further Evil of inviting and encouraging the Church to aim at more Power than is consistent either with her own Good or the Good of the State. But if *criminal Causes*, as they are called, which Civil Courts can commodiously take notice of, belong not to the Church’s Jurisdiction ; what pretence hath she to the inspection of *Civil Causes*, or the determination of private Property ? The great Founder of her Religion said, WHO MADE ME

^m 45. c. 2.

ⁿ Superest ultima appellationum species, quæ locum habet cum jura regis et regni aut jurisdictionem secularem in exercendis litibus de actione reali, etiam adversus Clericos, & de omnibus omnino actionibus adversus laicos, præter mere spiritualia, aliqua judicum Ecclesiasticorum interlocutione & judicio violari contingit. Plane æquum esse concilium Lateranense sub Innocentio III. existimavit, ne ambæ Jurisdictiones præscriptos terminos egrederentur, neu, prætextu libertatis ecclesiasticæ, Episcopi secularium jura invaderent. *Marca, L. iv. c. 21. F. T.*

A JUDGE

A JUDGE OR DIVIDER BETWEEN YOU? And what he would not assume to himself, he would hardly bestow upon his Ministers. And that the State should ever intend to give the Church what was the peculiar right of the temporal Courts, is as difficult to suppose. We must conclude then, that such custom, wherever it is found, was derived, not from the reasonable Laws of this Alliance, but from the authority of old Papal Usurpations. And in this light it was regarded by that great and wise Legislature under *Edward VI.* when it took MATRIMONIAL and TESTAMENTARY Causes from Ecclesiastical Courts, and RESTORED them to the Civil. How the Usurpation of so extensive a Jurisdiction first began is not difficult to apprehend, on reflecting upon what hath been before said concerning the methods the State made use of, by the aid of *allied Religion*, to add a sanction to its Civil Institutes. For thus *Marriage*, a *Civil Compact*, being of the highest importance to Society, was, in order to give it the greater sanctity, made *a Religious one*, by being confined to the administration of the Clergy. And so far all was well. But from thence, the Clergy, by degrees, took occasion to draw into the Church's Jurisdiction every civil matter which arose between the two Sexes from that Compact, the Rites of which they administered. And from this example may be seen, what bad work *Spiritual*

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ritual Courts cut out, (not for themselves, indeed, but for their neighbours) when they usurp the determination of *Civil Causes*. For here, though the Voice of Nature and the Oracles of God concurred to pronounce, in some cases, as in Adultery, a DIVORCE; yet, on the idle fancy or crafty pretence, that marriage was a SACRAMENT, they boldly ventured to contradict both, and to pronounce the Contract, when not void ab initio, indissoluble.

ECCLESIASTICAL Jurisdiction, therefore, with coactive Power, neither extending to *Matters of Opinion*, nor yet to *mere Civil Concerns*; we must conclude that it was given SOLELY FOR REFORMATION OF MANNERS°. From hence it appears with how just policy our Constitution hath subjected all sorts of Dissenters from the Established Church, to this Jurisdiction. The State's care of *Reformation of Manners* extending to all its Members of whatever denomination; and no Sect can pretend Conscience for such an Exemption.

2. ANOTHER Corollary is, *that the Erection of these Courts does not exempt the Clergy from Civil Jurisdiction*. For as to what is purely

° N. Bacon, in his *Discourses* p. 44. holds that Ecclesiastical Courts were in their original, only *pro reformatione morum*.

Episcopal, that is, Spiritual, in the Prelate's Office, his Superintendency over the Clergy of his diocese, there is no need of a Court of Judicature to assist him in the discharge of it. A very unfit instrument of pastoral Care in the opinion even of the Canon-Law itself, which says, "EPISCOPI se debent scire PRESBYTEROS, " non Dominos, nec debent in Clerum DOMI-
 " NARI: Episcopus se sedente non permittet
 " Presbyterum stare. Episcopi noverint se
 " magis *consuetudine* quam *dispensatione* Pres-
 " byteris majores^{P.}" 1. It hath been shewn, that Ecclesiastical Courts were not erected for the sake of the Church, but of the State. They cannot therefore take cognizance of the civil affairs of the Clergy; because *that* would be employing their jurisdiction to their own purposes. 2. It hath been shewn they were erected to take care of those things which Civil Courts were incapable of inspecting: But all Causes

^P But let it be observed, that the CANON LAW rarely cultivated a truth, but in order to graft a Lye upon it: As here, under pretence of teaching humility in Church Governors, and of encouraging the inferior Clergy to vindicate their Christian Liberty, the real purpose of the COURT of ROME, was to mortify all Catholic Bishops for insolently pretending to be of the same rank and order with the Bishop of Rome; by a fair hint that they were BISHOPS but by courtesy, and that they differed from PRESBYTERS only in *name*, given them on no better authority than old doating Custom.

N

that

that relate to the Clergy, whether criminal or civil^q, civil Courts may inspect: And not to bring the first of these before the Temporal Courts, but to allow them a jurisdiction distinct from the rest of their fellow-subjects, would be the occasion of much mischief to the state: As not to bring the other before the same common Tribunal (the chief of which Causes concern their ecclesiastical Revenues) would in time create mistakes about the original of these Revenues; which being derived from the State, there seems to be no other way to preserve the memory of that derivation, than by providing that all disputes concerning *them* be determined by the Civil Judicature^r.

3. A THIRD Corollary is, *that ecclesiastical Courts go invariably by the rules and maxims of the municipal Laws of that State to which the Church is united; that the forms of Process and judiciary Proceeding be borrowed from the civil Courts; and*

^q Enimvero quia Clerici, non tantum qua Clerici, sed etiam qua Cives sunt, spectantur in Republica, legibus Principum tenentur—Potestatem regiam a clericis, qua sunt Clerici, et a rebus omnino spiritualibus et mere ecclesiasticis arcemus, præterquam si ad tuendos canones exerceatur. *Marca, L. ii. c. 7. F. T.*

^r Quæ de bonorum ecclesiasticorum possessione, fructibus, & plerumque etiam de proprietate oriuntur lites, apud Magistratus Seculares disceptantur. *Marca, in præfatione secunda. F. T.*

that

that Appeals to these, from the Courts ecclesiastical, be allowed, in all cases. The State must needs intend, when it prescribes and defines the Power it communicates, that That Power should be exercised according to the RULES and MAXIMS *itself* observes in the civil Courts; and observed there, as most conducive to justice, equity, and the ease of the Parties. For this care of its Subjects in civil Courts, it could never be supposed to throw off when it sent them to an ecclesiastical Jurisdiction.

It must likewise be supposed to intend, that this Power should be exercised by the same FORMS OF PROCESS and *judiciary Proceeding* which itself employs in the civil Courts: Because this is the surest way of preserving the memory of the original and dependency of the ecclesiastical^s. On which account too, there is a propriety in the Judge of this Court's being a LAYMAN by civil appointment^t. On the contrary, for ecclesiastical Courts to administer their power and regulate their proceedings on *foreign Forms, Rules, and Maxims*, is acting as

^s By the Parliament called in the first year of *Edward VI.* it was enacted, that all Processes Ecclesiastical should be made in the King's name, as in Writs at the Common Law; And that all persons exercising Ecclesiastical Jurisdiction should have the King's arms in their Seals of Office.

^t See 26 *Hen. viii. c. 3.*

if independent on the NATIVE, or subject to a FOREIGN, JURISDICTION.

THAT there should *be Appeals from these Courts to the Civil, in all cases*, is as evident.

1. Because it is of the nature and condition of all inferior Courts to be appealed from, to a superior. 2. Because *ecclesiastical Courts* not so subjected, would effect an Independency on the Civil Power. And, 3. Because they would soon erect themselves into Tyrannies^u. And it is observable, that, even in the most unfriendly seasons of our Constitution, these Appeals had a

^u Ac primo quidem de Appellationibus, quæ vulgo abusu dicuntur—quæ tractatio cæteras antecedere debet; quia tuitio regia otiosa esset & reliqui libertatum articuli facile labefacerentur, nisi connecterentur hoc uno vinculo—Non omittendum est reges nostros aliquando, etsi nullis precibus Ecclesiæ Gallicæ interpellati essent, novitates a Romana curia adversus aliquos mores introductas, legibus suis & Magistratuum executione repulisse, ob detrimentum quod inde regni tranquillitati inferri poterat—Apud Hispanos obtinet, ut Episcopi & Clerici, qui mandatis regiis non obtemperant, seu ad impertiendam tuitiorem contra vim judicum Ecclesiasticorum in causa ecclesiastica latis, sive ad repellendam invasionem, quæ fit a Clericis adversus jurisdictionem secularem, aut ab quamcunque aliam graviolem contumaciam, jure civitatis, seu naturalitatis regni priventur, & statim a regno expellantur, suisque redditibus spoliuntur. Non quidem, inquiunt illi, per modum jurisdictionis ordinariæ quæ in Clericos regibus non competit, sed potestate quadam politica & œconomica, ut docent Covarruvias & Bodavilla, & omnes Scriptores Hispani. *Marca, in præf. prima, & L. iv. c. 9. & seq.* F. T.

free

free course, till obstructed by the Statute of *Cir-
speete agatis* in the time of *Edward* the first.

THESE are the Privileges, which, through the concession of the State, the Church gained by this Alliance.

II. LET us see next, what Privileges, through the concession of the Church, the State gained by it. These in a word, may be comprised in its SUPREMACY IN MATTERS ECCLESIASTICAL*. *The Church resigning up her Independency, and making the Magistrate her SUPREME HEAD, without whose approbation and allowance she can administer, transact, or decree nothing*†. For the State, by

* Ex Theodosii Imperatoris litteris ad Synodum Ephesinam patet societatem & cognationem quandam intercedere inter Religionem & Rempublicam; ad principis studium pertinere Ecclesiastici status æque ac imperii pacem; regii muneris esse ut eum firmum & inviolatum præset ex omnium consensu, pietatis religionisque sinceritatem tueatur, curetque ut eorum qui clero adscripti sunt emendata sit castigataque vita. *Marca*, L. ii. c. x. F. T.

† How necessary this SUPREMACY is, for the sake of the State, may be seen by the famous Contention between the *House of Commons* and the *Convocation* in 1532, before the Act of Submission of the Clergy to *Henry VIII.*

The *Commons*, in the year 1532 represent, in a petition to the King, “ that the Clergy in *Convocation* have made, and “ dayly make, divers Sanctions or Laws concerning *temporal*

by this *Alliance*, having undertaken the protection of *the Church*; and protection not being to

“ *things*; some of which be repugnant to the Laws and Statutes of the Realm, not having ne requiring the royal assent to the same; nother any assent or knowledge of the Lay Subject; nother to them published and known in their mother tongue; albeit divers of the said Laws extend to the King’s person, his Liberty, and prerogative royal, and to the interdiction of his Laws and Possessions, and so likewise to the goods and possessions of his Lay subjects, declaring the infringers of the said Laws, so by them made, not only to incur the terrible censure of Excommunication, but also the detestible crime and sin of Heresy; by which, the humble and obedient Lay subjects be brought into this ambiguity, Whether they may execute the King’s Laws, according to his jurisdiction royal, for dread of the same censures and pains comprised in the same Laws, so by them made in their Convocation, to the great trouble and inquietation of the Lay subject, &c. and the impeachment of the King’s jurisdiction and prerogative Royal.”

The Answer of the *Convocation* to this representation of the *Commons* was as follows——“ We say, that forasmuch as we repute and take our authority of making Laws to be grounded upon the Scripture of God, and the determination of HOLY CHURCH, which must also be a rule and square to try the Justice and Righteousness of all Laws, as well spiritual as temporal, we verily trust, that, considering the Laws of this realm be such as have been made by most christian, religious, and devout Princes and People, how both these Laws proceeding from one fountain, the same being sincerely interpretated, and after the good meaning of the makers, there shall be found no repugnancy nor contrariety, but that the one shall be found, as aiding, maintaining and support-

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to be afforded to any Community, without
power over it, in the Community protecting;
it

“ supporting the other. And if it shall otherwise appear as
“ it is our duty to reform our Ordinances to God’s com-
“ mission, and to conform our Statutes and Laws and those of
“ our Predecessors, to the determination of Scripture and HOLY
“ CHURCH; so we hope in God that your Highness will,
“ if there appear cause why, with the assent of your People,
“ temper your Grace’s Laws accordingly. And as concern-
“ ing the *requiring of your Highness’ royal assent* to the autho-
“ rity of such Laws as have been by our Predecessors, or shall
“ be made by us in such points and articles as we have by
“ God’s authority to rule and order by such Provisions and
“ Laws; we knowing your Highness’ wisdom and virtue and
“ learning, nothing doubt but the same perceiveth how the
“ granting hereunto dependeth not upon our Will and Liberty.
“ AND THAT WE, your most humble subjects, MAY NOT
“ SUBMIT THE EXECUTION OF OUR CHARGE AND DUTY,
“ certainly prescribed by God, TO YOUR HIGHNESS’ ASSENT,
“ although in very deed the same is most worthy for your
“ noble, princely, and excellent Virtues, not only to give
“ *your royal assent*, but also to devise and command what we
“ should for good order and manners by Statutes and Laws
“ provide in the Church; nevertheless considering we may
“ not refrain the doing of our office, we most humbly desiring
“ your Grace, as the same hath heretofore, so from henceforth,
“ to shew your Grace’s mind and opinion to us, which we
“ shall most gladly hear and follow, IF IT SHALL PLEASE
“ GOD TO INSPIRE US SO TO DO.

“ Furthermore, whereas your said Lay-subjects say, that
“ sundry of the said Laws extend to your excellent Person,
“ your Liberty, and prerogative royal, and to the interdiction
“ of your Lands and possessions: To this we say, that having

it necessarily follows, that the *Civil Magistrate must be supreme*. Protection is a kind of Guar-

“ submitted the tryal and examining of the Laws made in the
 “ Church, by us and our Predecessors, to the just and strait
 “ rule of God’s Laws, which giveth measure of power, pre-
 “ rogative, and authority to all Emperors, Kings, Princes
 “ and Potentates, and all other ; we have conceived such opi-
 “ nion of your Majesty’s goodness and virtue that whatsoever
 “ any persons, not so well learned as your Grace is, would
 “ pretend unto the same, whereby we may be brought into
 “ your Grace’s displeasure, surmising that we should by usur-
 “ pation and presumption extend our Laws to your most noble
 “ Person, Prerogative and Realm, yet the same your High-
 “ ness being so highly learned will facilly discharge and de-
 “ liver us from that envy, when it shall appear that the said
 “ Laws are made by us or our Predecessors conformable and
 “ maintainable by the Scripture of God and *determination of*
 “ *the Church*, AGAINST WHICH, NO LAWS CAN STAND
 “ OR TAKE EFFECT.”

This was such an Apology as convinced HENRY that it was time to provide for their more perfect SUBMISSION ; which he did, soon after, by Act of Parliament. For, how he relished their answer appears from what he said to the *Commons* when he ordered them to come and receive this answer of the *Convocation*. “ We think (says he) their answer
 “ will smally please you, for it seemeth to us very SLENDER,
 “ You be a GREAT SORT OF WISE MEN ; I doubt not but
 “ you will look CIRCUMSPECTLY in the matter ; and we
 “ will be INDIFFERENT between you.”—Without doubt, he meant as an *Umpire*, not as a simple *Spectator* : For he was more concerned in the matter than either of them. The *Convocation* was intrusted with the welfare of the Church ; the *Commons* with that of the State ; But HENRY was intrusted with the welfare of both.

dianship ;

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dianship: and Guardianship, in its very nature, implies Superiority and Rule. The charge therefore of protection, without a Right of SUPREMACY, is giving the State no better an office, than that of PUBLIC EXECUTIONER OF THE DECREES OF THE CHURCH: In which high station we find those States to be advanced that are most enslaved to the Papal Power. But further, when the State, by this Convention, covenanted to afford the Church Protection, that Contract was made with a particular Church of one denomination, and of such determined doctrine and discipline. But now that Protection, which might be advantageous to a State in union with such a Church, might be disadvantageous to it in union with one of a different doctrine and discipline: Therefore, when Protection is given to a Church, it must be, at the same time, provided, that no alteration be made in it, without the approbation and allowance of the State^z.

Lastly,

^z Yet so perverse or ignorant hath the Citizen of Geneva shewn himself, that, after reading all this, he hath declared, that “ though the King of England hath established himselfe “ *head of the Church*, yet in England as well as in other “ Places there are two Powers, two Sovereigns;” and consequently an Imperium in Imperio. His reason is admirable, the *headship* consists rather in a power to preserve Religion than to change it; that is to destroy it. So that to prevent an imperium in imperio, nothing will serve him but the right of destroying at pleasure. A Right founded on no other principle

Lastly, the State having *endowed* its Clergy, and bestowed upon them a *jurisdiction* with co-active

principle than this, that Religion is a *Creature* of the State, viz. a Phantom invented by Politicians to keep fools in awe. That this is all the notion which our virtuous Citizen of Geneva has of the matter, he declares plainly enough throughout all his writings; and particularly by what immediately follows, “that of all the Christian Writers “the Philosopher, Hobbes, is the only man who has fully seen “the mischief [of this *imperium in imperio*] and provided “the remedy, by daring to propose a reunion of the two heads “of the eagle, and by bringing back every thing to the Political Unity.” But to manifest his good faith, or, at least, his knowledge of the Civil Constitutions which he thus dogmatically condemns, he says, that *in all places where the Clergy make and constitute a Body, there they are Masters and Legislators in their department.* In England the Clergy make a Body, and a distinct Body, yet they are neither Masters nor Legislators in their department. Their department is in CONVOCA-TION; yet there they cannot so much as enter into any Business till they have particular and express Licence, from the Civil Magistrate, for so doing. He pretends to have read what is here said of the *Alliance between Church and State*, as it exists at present in England: And there he might see, that the first and most necessary consequence of the King’s becoming *head of the Church* is, that without the consent and allowance of the State, the Church can exert no act of Authority or Legislation to decree or change any thing either in the Discipline or Doctrines of Religion.

Parmi nous, les Rois d’Angleterre se sont établis chefs de l’Eglise, autant en ont fait les Czars; mais parce titre ils s’en sont moins rendus les Maîtres que les Ministres; ils ont moins acquis le droit de la changer que le pouvoir de la maintenir; Ils n’y sont pas LEGISLATEURS, ils n’y sont que *Princes*.
Partout

active Power, these Privileges would create an *Imperium in Imperio*, had not the Civil Magistrate, in return, this *Supremacy of the Church*^a.

THE three principal branches of which are these; and because they have been often disputed, we shall now endeavour to explain and support them. The first is,

I. THAT *no Ecclesiastic of the established Church can exercise his Function without the Magistrate's Approbation and Allowance*. Because the doing otherwise is an act of Sovereignty in the Church, and of Independency in the Clergy. But here we must be careful how we think the Magistrate, by virtue of this Branch of the *Supremacy*, can make or confer the Character of Priest or Minister; or even himself exercise that

Partout ou le Clergé fait un Corps il est Maître & Législateur dans sa partie. Il y a donc deux Puissances, deux Souverains, en Angleterre et en Russie, tout comme ailleurs. De tous les Auteurs Chrétiens le Philosophe Hobbes est le seul qui ait bien vu le mal et le remède, qui ait osé proposer de réunir les deux têtes de l'Aigle, et de tout ramener à l'unité politique, sans laquelle jamais Etat ou Gouvernement ne sera bien constitué. *Du Contrat Social. L. iv, c. 8.*

^a Carolus Magnus præter causas pietatis, motus etiam fuit ad distribuenda liberali manu bona ecclesiis, ob utilitatem reipublicæ, existimans nimirum episcopos sanctius observaturos fidem promissam—Ex quibus probatur quoddam jus novum regibus quæsitum fuisse ob naturam bonorum quibus ecclesia fruebatur. *Marca, L. viii, c. 19. F. T.*

Office,

Office^b. This was not, nor *could* be given him by the Convention: 1. Because it answers no reasonable end or purpose. All the possible advantages arising to the Magistrate by his Supremacy, being secured by his having the EXERCISE of the Ministerial Function absolutely under his Direction. So that to interfere in MAKING the Character, would be *impertinent*. 2. Because this Power directly tends to the destruction of a Church as a Society: The essence of which, as we have shewn, is, to have Officers and Ministers of its own Creation. Therefore, the giving up this right of the Magistrate would not be a Convention of *Alliance*, but an act of *Incorporation*, absorbing and dissolving the Church into the State. This consequence, the enemies of a Church, as a Society, are so well aware of, that, in order to bring on its Dissolution, they principally labour to enforce this point, *that the Magistrate may confer and exercise the sacred Function and Character*. So that to interfere in making the Character would be *unjust*. 3. Because this Power would in those Religious Societies, where the

^b Imperatorem præsidere humano generi dignitate, sed in perceptione Sacramentorum Sacerdotibus subdi; Legibus Principis, quantum attinet ad ordinem publicæ disciplinæ, parere religionis antistites, sed in erogandis Mysteriis & in cœlestibus sacramentis principem ordine religionis a Sacerdotum judicio pendere, &c. *Marca, L. ii. c. 1.* F. T.

Founders themselves have directed the manner of conferring the sacred character, be esteemed the violation of a divine Right: So that to interfere in *making* the Character would be *impious*.

ON the whole then we must conclude, that the Office and Character of the Clergy is made and conferred in the very way it was, before the Alliance; whether the method was of divine appointment, or of human: *The Exercise only* of that Office, when thus made, being under the Magistrate's direction.

THE opinion of C. J. HALES, in the Tract before quoted, will, I suppose, add weight to what is here delivered. "1. The Power (says he) of ecclesiastical Order *is not derived from the Crown*; neither is it so conceived to be; but so much as is not superstitious, is derived from *Christ*. Hence it is that the Powers of Order are not in themselves, nor as to the efficacy of them, confined to any Diocese or Precinct. 2. The determination of the exercise of those Powers of Order to time, place, person, manner of performance, *is derived from the Crown*. Ex. Gr. The prescribing who shall be a Bishop; the extent of his Diocese; the circumscription of him under pain of contempt to act his Powers of Order within those

“ within those limits ; these are Powers origi-
 “ nally inherent in the Crown. 3. The Power
 “ of the Keys, in *foro conscientiae*, which is not
 “ properly a Jurisdiction, because it is without
 “ any external coercion or change in the party.
 “ This is not derived from the Crown, but from a
 “ higher Commission. 4. All Power of exter-
 “ nal Jurisdiction is originally in the King, either
 “ formally to exercise, or at least virtually to
 “ derive ; which is evident.” Under this head
 is to be referred the King’s right of nominating
 to the greater Benefices, which, before the Alli-
 ance, were elective, and in the Body of the
 Church^d.

II. THE second Branch of this Supremacy is,
That no Convocation^e, Synod, or Church Assembly

^e MS. Tr. *Touching the Right of the Crown.* Communi-
 cated ut supra.

^d The very learned, the President Henault, in his Chrono-
 logical History of France speaking in justification of the CON-
 CORDAT, which gives the right of nomination of the greater
 Benefices to the King, and of its just preference to the PRAG-
 MATIC SANCTION, says—“ *Que le Roi representant la nation,*
 “ *c’est a lui d’exercer les droits qu’exercoient les premiers*
 “ *Fideles ; et qu’ils lui ont remis lorsque l’Eglise a ETE REÇUE*
 “ *dans l’Etat, POUR PRIX DE LA PROTECTION que le Roi ac-*
 “ *cerdoit a la Religion.*” p. 603. Ed. 8vo. agreeable to the
 principles, and in the very words, of the ALLIANCE.

^e See the Stat. 25 Hen. viii. c. 19.

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hath a Right to sit without the exprefs Permission of the Magistrate: Nor, when they do sit, by virtue of that Permission, to proceed in a judiciary or legislative Manner, without a special Licence^f for that Purpose; nor to impose their Acts, as authoritative, till they have received his Confirmation^g: Whether it be for decreeing matters of Discipline; or for condemning, by Expulsion, for matters of Doc-

^f Alio etiam, eoque eximio jure, utebantur Principes in præscribendo judiciorum ordine, quæ in Synodis a se indictis peragenda erant. Hinc profectum est, ut præcipuos Magistratus delegarent qui Conciliis interessent, non solum ut vis publica & tumultus arcerentur, sed etiam ut ab episcopis cognitionum ordo servaretur—Tantâ autem severitate hac in parte a conciliis obedientiam Principes exigebant, ut si præscriptum sibi judiciorum ordinem egressa fuissent, quicquid neglecta cognitionis lege decretum foret, in irritum mitterent, ut patet ex Theodosii rescriptis adversus Synodum Ephesinam latis—Principes aliquando suspendebant prioris Synodi judicatum nova Synodo indicta, quod factum est a Theodosio in causa Nestorii.—Neque Acta Synodorum reciderunt nisi ad asserenda mandata quæ dederant, quorum contemptus lædebat auctoritatem publicam; neque executionem rerum judicatarum suspenderunt, nisi ob canonum violationem, e qua scandala & dissensiones oriebantur. *Marca, L. iv. c. 3, 4. F. T.*

^g Sufficiunt, opinor, ea quæ diximus, ut difficilibus & morosis ingeniis persuaderi possit, magnam regibus auctoritatem competere ad convocanda Concilia—Confirmatio Canonum decernenda est a Principe, cum cognitione causæ; quandoquidem ei vim legis publicæ in regno tribuit acceptatio & consensus principis, tanquam capitis populorum, & confirmatio etiam, tanquam principis qui superiorem non agnoscit. *Marca, L. vi. c. 17-22. F. T.*

trine ;

trine; or lastly, for correcting Manners. That the Church cannot assemble in Synod, under the Magistrate's Supremacy, without his Permission, is evident. Because, before the Alliance, the Power that follows the Supremacy and Independency of the Church, was exercised in those Assemblies. To suffer such therefore to meet, after the Union, without licence, would be virtually giving up his Supremacy, and acknowledging it to be now, as before, in the Church. That when assembled it cannot proceed in a judiciary or legislative manner without express and particular licence to act, and without confirmation of its decrees, is plain from hence:

1. Because, in its *judiciary* capacity, the Church hath already one Jurisdiction, with coactive Power, granted to it, called the *Bishop's Court*. To give it other fixed and standing Judicatories would be both unnecessary and unfit. *Unnecessary*, because the Bishop's Courts are sufficient for the common uses of the State; And, for rare and uncommon cases, an OCCASIONAL JURISDICTION is sufficient. *Unfit*, because the giving two fixed and perpetual Judicatories with coactive Power, would be intrusting the Church with more temporal Authority than, even under the Magistrate's SUPREMACY, would be consistent with the safety of Civil Government. 2. Because in its *legislative* capacity, the decreeing matters of Discipline, and condemn-

ing,

ing, by Expulsion, for matters of Doctrine, cannot be done in Alliance without the consent of the State ^b.

BUT it appears, on the other hand, a great error to imagine such Assemblies when legally convened, to be either useless or mischievous. For all Churches, except the Jewish and Christian, being *human* policied Societies, of the nature of which, even the Christian, *in part*, partakesⁱ; and all Societies, without exception, being administered by human means, it must needs happen that Religious Societies, as well as Civil, will have frequent occasion to be new regulated, and put in order. Now though by this *Alliance of Church and State*, no new regulations can be made for Church Government, but by the State's Authority; yet still there is reason that the Church should be previously consulted, which we must suppose well skilled (as in her proper business) to form and digest such new regulations, before they come before the con-

^b—Nimirum ad Regem pertinere jus convocandi Ecclesiam Gallicanam, proponendi materiam quam in conventu agitari voluerit, examinandi res in eo decretas, easque, si visum fuerit expedire, approbandi, earumque executionem jubendi—Nunquam discedere oportet ab hac certissima regula, deliberationes Ecclesiæ Gallicanæ considerari non posse aliter quam velut consilium Regi datum, easque executioni non posse mandari absque consensu & confirmatione ejus. *Marca, L. vi. c. 34. F. T.*

ⁱ See *Hooker's Eccl. Pol.*

O

sideration

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sideration of the Civil Legislature^k. Acting
otherwise is changing this, which is a *federate*
Alliance, into an *incorporate Union*; where, in-
deed, the practice is different: For in an in-
corporate union of two Societies, one of them
is lost and dissolved in the other; by which
means, all the Power in question devolves upon
the Survivor^l. But, in a *federate Alliance*, the
two

^k Quæri potest an ex eo quod suprema Canonum protectio
ad regem pertinet, sequatur eum jubere posse ut observentur,
non expectata etiam sententia Ecclesiæ Gallicanæ. Certum
quidem est earum constitutionum observationem fore sancti-
orem, si considerentur cum generali Cleri consensu—Nihilo-
minus æque certum est regem ex sententia concilii sui, quod
auget & minuet prout ei lubet, posse latis edictis decernere ut
canones observentur, ac circumstantias & modos necessarios
addere ad faciliorem eorum executionem, siue etiam ad veram
eorum mentem explicandam, eosque accommodare ad utilita-
tem regni. Ad probationem autem hujus auctoritatis extant
exempla omnium Imperatorum Christianorum—Utuntur adhuc
eo jure reges Christianissimi. Nam licet Tomos Deliberatio-
num cleri Gallicani recipiant, eæ tamen tantum spectantur
velut consilium & oratio ad Principem, vulgo appellata *Re-
monstrances*. Dein Rex decernit id quod lubitum ipsi fuerit,
siue respondendo in Margine Tomi, ut vulgo fieri consuevit;
siue etiam per Edictum. Præterea Reges nostri condunt con-
stitutiones pro condenda politia ecclesiastica ad executionem
canonum; neque ullam cujuslibet coetus sententiam rogant
quam sui concilii, quod ex personis Ecclesiasticis & Secularibus
constat. *Marca, L. vi. c. 36. F. T.*

^l As in these *incorporate Unions*, it commonly happens that
the *fundamental* Articles are declared by the contracting par-
ties,

two Societies still subsist intire; though in a subordination of one to the other: in which case,

ties, to be unalterable; it hath become a question, whether the new Sovereignty can alter such Articles without dissolving the *Union*. The difficulty seems to arise from the very nature of the Convention. Two independent States unite in one, on certain conditions, declared, by the contracting parties, to be unalterable. When these two States are *equal*, a new one arises from their Incorporation, composed of the other two; when *unequal*, the less is melted down into the more Powerful; as in this latter case one only of the contracting Parties now subsists; so, in the other, neither of them. But good Faith requires, that all Contracts shall remain in force, till dissolved by the mutual consent of the contracting parties themselves; but here the contracting parties are no longer in being: So that these Articles of *Union* would seem to be perpetual, though that condition had not been expressly stipulated. On the other hand, the incessant flux of human things necessitates Society, in course of time, to make changes in the most fundamental parts of the Constitution. This is the difficulty: Which seems not to be well solved in only recurring to the common power of the Sovereignty of repealing and changing the laws; whose very *title* indeed shews the absurdity of an irrevocable Law; as such Law would tend to destroy the very Power which puts it in force; for the reason of this act of Power is founded on a supposition, that the Laws, revoked by the Sovereign, were of the Sovereign's enacting; which is not the fact, in the case before us. For the Articles of *Union*, made before the Incorporation, had for their author, Powers different from what are now left for their Abrogation; one or both the contracting Powers being no longer existent.

To justify any alteration, therefore, we must have recourse to a higher Principle; which is not the Rights of this or that

case, it seems agreeable to natural equity, that no alterations in Church Government be made without the joint consent of both. If it should be said, that Ecclesiastics are placed in the Civil Court of Legislature for that purpose, I must beg leave to dissent. It hath been shewn, they make no distinct *ESTATE* there: and, consequently, are not *Representatives*, but *Guardians* only of the Church; to watch over its welfare, and to be always at hand to carry on a mutual

Sovereignty, but of Society itself, as such. Contracts between independent States are of the same nature as those between Individuals. Now a number of Individuals, let it be three hundred, or three hundred thousand, agree, in the State of Nature, to form themselves into Civil Society. The *first Convention*, (as it is called by the Writers on the Laws of Nature and Nations) by which the *Form* of Government is agreed upon, is between Individuals; where the consent of every one is necessary to make him subject to it. And this *Form* they declare to be unalterable, as the only one they are willing to exchange for their natural Liberty. After this follows the *second Convention*; in which Protection and Allegiance are mutually promised by Sovereign and People; whereby the contracting Parties in the *first Convention*, become annihilated, and a new factitious Person is produced; as appears from hence, that in the *first Convention*, the consent of every one is necessary to conclude him; in the *Second*, the majority is sufficient. Now who ever doubted but that this new created Body had a right of altering the Form of Government? For the necessity, which arises from the nature of things, requiring an alteration, and the contracting Parties being no longer existent, their Survivor must needs be deemed their Substitute, on whom all their Power is devolved.

inter-

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intercourse of good offices between two Societies so closely allied. And therefore, there was no absurdity in that Custom, which continued during the *Saxon* Government, and some time after, which admitted the Laity into Ecclesiastical Synods: There appearing to be much the same reason for Laymen's sitting in Convocation, as for Churchmen sitting in Parliament.

As for the mischiefs arising from Synodical Assemblies, by their heats, quarrels, and divisions, it is owned they are great. So as to have occasioned the Civil Magistrate to suspend them for a long time together. Nor is this a late exertion of the Prerogative. We find Archbishop *Anselm* complaining that *William Rufus* would not allow any ecclesiastical Synod to be called for thirteen years together: which, upon the matter, took in that King's whole reign. But then we must consider, that these quarrels have all arisen from not having had their original and end, under an Establishment, precisely determined. As appears from the constant subject of their quarrels; which have always been about the Power and Extent of their Privileges and Jurisdictions. And we may venture to affirm, that Synods convened, and meeting, on the Principles here laid down, cannot possibly be pernicious to the State, or fruitless to the

Church. I say, we may venture to affirm this, when such a man as *Hooker* characterises religious Councils and Synods in the following manner, “A thing whereof God’s own blessed
 “ Spirit was the author, a thing practised by
 “ the holy Apostles themselves, a thing always
 “ afterwards observed and kept throughout the
 “ world, a thing never otherwise than most
 “ highly esteemed of, till pride, ambition, and
 “ tyranny began by factions and vile endeavours
 “ to abuse that divine invention, unto the fur-
 “ therance of wicked purposes. But as the
 “ just authority of Civil Courts and Parliaments
 “ is not therefore to be abolished because some-
 “ time there is cunning used to frame them
 “ according to the private intents of men over-
 “ potent in the Commonwealth: so the grievous
 “ abuse which hath been of Councils should
 “ rather cause men to study how so gracious a
 “ thing may again be reduced to that first per-
 “ fection, than in regard of stains and blemishes
 “ sithens growing, to be held for ever in ex-
 “ treme disgrace^m.”

III. THE third consequence of this Supremacy is, *That no Member of the Established Church can be excommunicated, or expelled the Society, without the Consent and Allowance of the*

^m L. I. S. 10.

Magi-

*Magistrate*ⁿ. For Expulsion being an Act of Supremacy, it must needs be authorised by him, with whom the Supremacy is now lodged. Besides, did the Church retain this Power under an Establishment, nothing could hinder but that it might extend to the Supreme Magistrate himself: And how absurd it would be for the *Body* to expel the *Head* any one may judge. That our ancient Constitution thus restrained the exercise of this Power appears from the old Writ of *Quare excommunicavit*^o. But then it is to be observed, that Excommunication for *Doctrines* and matters of *Opinion*, even when authorised by the State, must still (the state having no-

ⁿ In contentionibus de Jurisdictione Ecclesiastica & Sæculari, ultimum judicium asseritur supremæ Curia regni, licentia adempta Episcopis jus sibi censuris & excommunicationibus dicendi—Unde sequitur regem nec regios Magistratus aut officiales excommunicationibus vel aliis censuris eam ob causam inflicti obnoxios esse. Alioqui Majestas Imperii minueretur, & a Judicium ecclesiasticorum arbitrio penderet. *Marca, L. iv. c. 21. F. T.*

^o N. Bacon in his discourse on the English Government, composed by the assistance of Seldan's papers, says, "The common Law ever held the supreme Cognizance of Excommunication within its own power, as upon the Writ *de quare excommunicato*, may appear." p. 182. It was a Law from the Conquest, and all along insisted on, that none of the King's Barons could be excommunicated without his leave: For in the feudal times there was so close a connexion between the Sovereign and his Feudatories that it was a maxim in this Law, that the Lord owes no less to his Vassal, than the Vassal owes to the Lord.

thing to do with the care of souls, nor the Church with the care of bodies) as before the Union, be free from Civil Censures or Inconveniencies; other than *accidentally* befall the expelled person from a *Test-Law*, in those States where the Protection of the Church, and the Peace of the State, require its assistance. Different in this, from Excommunication for *Immoralities*; which, under an Establishment, hath reasonably and justly, Civil Censures annexed to it^p.

FROM this account of the *Supremacy* may be deduced this COROLLARY.

THAT *the conferring on the supreme Magistrate, the TITLE OF HEAD OF THE CHURCH, is by no means inconsistent with the Nature of our holy Religion.* This *Title* hath been misrepresented by the enemies of our happy Establishment, as the setting up a LEGISLATOR, in *Christ's Kingdom*, in the place of CHRIST. But it hath been shewn, that no other Jurisdiction is given to the Civil Magistrate by this *Supremacy* than the Church, as a mere political Body, exercised before the Convention. This, with regard to

^p Quod autem inter Christianos excommunicati, nisi resipiscant, sint infames, & ad quædam vitæ civilis officia inhabiles, ita ex eo ortum est, quod Christiani Principes, quoad fieri potest, leges suas ad bonos mores atque Evangelicam disciplinam aptent; non quod Excommunicatio per se ullo temporali jure bonoque privet. *Bossuet, L. v. c. 22. F. T.*

the Title of *Head of the Church*, the famous Act 26 *Hen. VIII. c. 1.* explicitly declares, “ The
 “ King his Heirs, and Successors, shall be taken
 “ and reputed the only SUPREME HEAD in
 “ Earth, of the CHURCH OF ENGLAND.—And
 “ shall have full Power from time to time, to
 “ visit, reform, correct, and amend all such
 “ Errors, Heresies, and Enormities whatsoever
 “ they be, which BY ANY MANNER OF SPIRI-
 “ TUAL AUTHORITY OR JURISDICTION ARE OR
 “ LAWFULLY MAY BE REFORMED, ordered, cor-
 “ rected, or amended.” That is, which the
 Church, as a Society, or Political Body, con-
 cerned only about SPIRITUAL things, was before
 empowered to do. From hence it follows, that
 if the Magistrate’s Jurisdiction be an Usurpa-
 tion on the Rights of *Christ’s Kingdom*, so likewise
 was the Church’s. That the Church was no Usur-
 pation, but perfectly consistent with the rights of
Christ’s Kingdom may be thus proved; *Judaism* was,
 in every sense, as strictly, at least, and properly the
Kingdom of God, as *Christianity* is the *Kingdom of*
Christ: Yet this did not hinder, but that there was,
 by God’s own Approbation and Allowance, an
 inferior Jurisdiction in the Jewish State. What
 then shall make the same unlawful in the Chris-
 tian Church? *This*, Both had in common, to
 be Political Societies by divine Appointment;
 but different in *this*, that God, for wise ends,
 minutely prescribed the whole mode of *Jewish*
 Policy :

Policy: And *Christ*, on the contrary, with the same divine Wisdom, only constituted the Church a policied Society in *general*; and left the mode of it to human discretion^a. But I suspect the matter sticks here: these men will not allow the Church, or Kingdom of *Christ*, to be a Society in any proper sense. This indeed is the darling notion of the enemies of Establishments. It is certain, the argument of usurping in *Christ's* Kingdom, hath no force but in the supposition that the Church is no proper Society. However this Subterfuge we have totally overthrown; having proved at large that the Church indeed composes a Society.

Thus have I shewn and explained the mutual Privileges GIVEN and RECEIVED by Church and State, in entering into this famous CONVENTION. The aim of the State being, agreeably to its nature, UTILITY: And the aim of the Church, agreeably to her's, TRUTH. From whence we may observe, that as these Privileges all took their rise, by necessary consequence from the fundamental article of the Convention, which was, *that the Church should serve the State, and the State protect the Church*; so they receive all possible addition of strength, from their mutual dependency on one another. This we have cause to desire may be received as a certain mark that our *Plan of Al-*

^a See *Hooker's Eccl. Pol.*

liance is no precarious arbitrary Hypothesis, but a Theory founded in reason, and the unvariable nature of things. For having, from the real essence of the two Societies, and their different natures, collected the *Necessity* of allying, and the *Freedom* of the Compact; we have, from the *Necessity*, fairly introduced it; and, from its *Freedom*, consequentially established every mutual term and condition of it. So that now if the Reader should ask, "Where this Charter, or "Treaty of Convention for the union of the "two Societies, on the terms here delivered, is "to be found?" we are enabled to give him a satisfactory answer. It may be found, we say, in the same *Archive* with the famous ORIGINAL COMPACT between Magistrate and People, so much insisted on, in vindication of the common rights of Subjects. Now when a sight of this Compact hath been required, of the Defenders of Civil Liberty, they held it sufficient to say, that it is enough for all the purposes of fact and right, that such Original Compact is the only legitimate foundation of Civil Society; That if there were no such thing *formally* executed, there was *virtually*; That all differences between Magistrate and People ought to be regulated on the Supposition of such a Compact; and all Government reduced to the Principles therein laid down; for that the happiness of which Civil Society is productive, can only be attained by it,

it, when formed on those Principles. Now, something like this, we say of our ALLIANCE BETWEEN CHURCH AND STATE. But we say more, for

C H A P. IV.

That the Christian Religion is, of all other, best fitted for such an Alliance with the State as may be most productive of their mutual Advantage : And that our own is the most perfect of all Christian Establishments.

WE have been the fuller in this Account, in order to shew our Adversaries, how unreasonable, and even impolitic they are, when, in their ill humour with *Establishments*, they chuse to pick a quarrel with *their own*; where the national Religion is on a footing exactly agreeable to the nature of a *free Convention between Church and State*, on the Principles of the Laws of Nature and Nations. A Felicity, they should have known, which scarce any other people on earth can boast of: For let them look around, and tell us, if they can find another place where the State doth not incroach on the Church; or, what is indeed much the commoner, the Church on the State. In *England alone*, the Original Terms of this Convention are kept up to so exactly, that this account
of

of the *Alliance between Church and State*, seems rather a copy of the Church and State of *England*, than a Theory, as indeed it was, formed solely on the contemplation of Nature, and the unvariable reason of things: which had no further regard to our particular Establishment, than as some part of it tended to illustrate these abstract reasonings. So that, fortunately for the motive I had in writing, our Adversaries are cut off from all subterfuge. For they can neither condemn this theory as a visionary *Utopia*; nor approve it as reasonable and fit for practice, and yet think themselves at liberty to carry on their opposition against their own Country Establishment: Because these *two* prove to be one and the same. If in a few minute things they disagree, this disagreement will perhaps, by some, be ascribed to the unfinished parts of an excellent Model, which the misfortunes of *Edward VI's* reign prevented from being carried to perfection. For then it was that this Alliance between the *Protestant* Church of *England* and the State was made; on the natural dissolution of the Alliance, between the *Popish* Church and it. At which time, had not the Hypocrisy of some complying Churchmen; the domestic quarrels in the Administration; the Factions which fomented those quarrels, and the immature death of that hopeful Prince intervened, we might have expected, they will
say,

say, the completest scheme of an ALLIANCE that human Policy and pure Religion could have produced. Nor have the succeeding ages been remiss or negligent, as fit opportunities offered, to remedy those irregularities. Of this honour, no small share is due to the *Clergy*; so false are the calumnies of their enemies, that *they are always backward in Reformation*s. For it was the *Clergy* which, in the reign of *Charles* the Second, freely gave up to the Legislature their ancient practice of taxing themselves. In which they acted with the greatest Justice as well as Generosity. For the custom of taxing themselves arose from the Claim to their Revenues by divine Right: Whereas these being, indeed, the State's Donation, an *endowment* at the time of the ALLIANCE, the State had a right to tax them as it did its *Lay-Fees*^r. However this be, as there
have

^r Quoad redditus qui vulgo spirituales dicuntur, magna Ecclesiarum pars, cum decimis & oblationibus, Laïcis in feudum datæ fuerant a Pippino, Carolo Magno, & Ludovico Pio, cum consensu Ecclesiæ Gallicanæ; quæ deinde Ecclesiasticis viris concessæ sunt ex permissu regum. Itaque Principes non destituti sunt ratione ut contendant servitia & debita feudorum in hujuscemodi redditibus imposita, extincta non esse vi consensus regii adhibiti liberalitati laicorum erga ecclesias, qui ea ad ipsas transtulerunt.—Legitimum et æquum est, quod Feuda ad Ecclesiam pertinentia iisdem Legibus subjecta sunt, quibus cætera tenentur.—Permissus est deinde principibus usufructus reddituum ecclesiæ vacantis, contra quam prisca regulæ statuerunt.

have been many and long, and, as it would seem hitherto, fruitless debates, concerning *Tytbes, Bishops Seats in Parliament, Spiritual Courts, Convocation, and Supremacy*, in which men have run into the most contrary conclusions, I judged it not amiss to draw out *Corollaries* concerning each of them, that may possibly contribute something towards the putting an end to these ill-founded Controversies.

SUCH then is the uncommon excellence of our happy Constitution: And, struck with the beauty of so just and generous a plan of Power,

erunt. Si quis vero inquireret in causas tam magnæ immutationis, is reperiet eam esse profectam ex immutatione quæ facta est in conditione & qualitate bonorum ab Ecclesia possessorum. Quemadmodum enim in Republica quoddam bonorum genus extat quod vulgo *feudum* vocant. Incognitum Romano juri, ideoque novis constitutionibus & antiquarum legum dispositioni contrariis inductum, sic, cum Ecclesiæ regum beneficio donatæ fuissent bonis hujusmodi, necessarium prorsus fuit, ut illæ possiderent Feuda iis conditionibus quas in prima feudorum origine invexit publica utilitas. Ergo personæ Ecclesiasticæ quæ feuda possidebant, per consequentiam fiebant Vasalli regum, illisque præstare tenebantur homagium & juramentum fidelitatis, itemque certum militum numerum juxta valorem feudorum. Unde sequitur necessario regem post obitum Episcopi quod eo casu feudum vacet, illud ad se recipere posse ac retinere, donec novus Episcopus investituram feudi receperit, homagiumque ac juramentum fidelitatis præstiterit. Interim tamen regi competit jus quoddam fruendi redditibus, dum custodia durat. *Marca, L. viii. c. 19, 22. F. T.*

a late

a late noble Writer, who regarded it no otherwise than as it concerned the State, thus forcibly expresses himself.—“Some men there are, the
 “PESTS OF SOCIETY I think them, who pretend
 “a great regard to Religion in general, but who
 “take every opportunity of declaiming publicly
 “against that *System of Religion*, or, at
 “least, against that CHURCH ESTABLISHMENT
 “which is received in *Britain*.” In truth, this is bearing hard on our new Guardians of Liberty; who, when they have generously taken up an office they were not called to, and asked nothing for it but the modest Title of FREE-THINKERS, are to be called *Pests of Society* by the POLITICIAN; and branded with the odious name of *Infidel* by the Clergy. However the Author above quoted cannot deny, but that *they pretend a great regard to Religion in general*: And this justice is due to them, that they are no enemies to the *Name*: For that, I suppose, he means by *Religion in general*. *Ideal Christianity* they could well away with: *Real Christianity* somewhat offends them. It does more so under the Form of a *Society*: But most of all when that Society becomes *Established*. They could be well content to accept it under the fashionable notion of a divine *Philosophy in the Mind*; especially if that Philosophy were to be received

^s Dissert. on Parties, p. 148.

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in England on the footing which Cicero tells us,
the Greek Philosophy was received in Rome;
DISPUTANDI CAUSA, NON ITA VIVENDI^t. But
to take it for service, and with the Magistrate's
stamp to make it current, revolts these great
and free Spirits. So that, even to those engaged
in the cause of a Court and Ministry, or intrust-
ed in the service of a Church, they must speak
their mind against so intolerable a grievance.
However a *Religion*, blessed be God, we yet have;
and even an *Established* one. It enjoys this ad-
vantage for the service it does the State; and that
it may no longer be envied the Privileges, con-
sequent thereto, I shall now shew, that the
CHRISTIAN, of all Religious Societies, is best fit-
ted to assist the Civil Magistrate, who is the
Minister of God unto us for good.

I. Its superior excellence in this service, above
the *ancient* PAGAN RELIGIONS of Greece and
Rome, is seen in its being infinitely better fitted
than those to fall into a firm and lasting Society.
It is to be observed, that Unity in the object of
Faith, and agreement to a Formulary of dog-
matic Theology, as the terms of Communion,
is the great foundation and bond of a Religious
Society. Now, in all the Pagan Religions,
there was only Conformity in national Cere-

^t Orat. pro Mar.

monies; there being no room for the object of Faith, or a Formulary of dogmatic Theology; for as to matters of Belief and Opinion, it was not judged of moment to determine whether their Gods were real Persons, or only the Symbols of natural Powers. And the few speculative points taught in their MYSTERIES, were altogether subservient to the interests of Morality. Hence it happened, that these Societies, being without their true foundation and support, were, when they became *established*, soon lost and absorbed in the State^u.

II. As *Christianity* was superior to *Pagan Religion*, in its CAPACITY for forming a Society: So it is superior to pure NATURAL RELIGION, in being thus actually formed, by *divine* appointment; while natural Religion needed to be formed only by *human*. Were there no other evidence that Christianity composed a Society of *divine* appointment than only this, that the Body of the Faithful is called the KINGDOM of Christ, *this* would be sufficient to convince those who know the general meaning of the word, and the peculiar use of it in the Jewish Oeconomy. But when, in consequence of his right of KINGSHIP, Jesus, and by his

^u See *The Divine Legation of Moses*, B. II. Sect. I. and Sect. 5. *sub fin.*

“ confined to a worship of the Supreme God,
 “ merely interior, and to the eternal obligations
 “ of Morality, is the pure and simple Religion
 “ of the Gospel; true Theism; and that which
 “ one may call *divine-natural Right*. The other,
 “ confined to a particular Country, gives, to
 “ that Country, its Gods, who are the Proper
 “ and Tutelary patrons of it. It has its Doc-
 “ trines, its Rites, its exterior Worship pre-
 “ scribed by the Laws; all out of this Pale, are
 “ to those within, Infidels, Strangers and Bar-
 “ barians. It extends not the duties and de-
 “ voirs of men beyond its Altars. Such were
 “ all the Religions of the first Nations. To
 “ which one may give the name of *Divine-*
 “ *Civil, or positive, Right*^h.”

^h La Religion considérée par rapport a la Société, qui est
 où generale ou particuliere, peut aussi se diviser en deux espe-
 ces, savoir, la Religion de l' homme & celle du Citizen. La
 premiere, sans Temples, sans Autels, sans Rites, bornée au
 culte purement interieur du Dieu Supreme & aux devoirs eter-
 nels de la Morale, est la pure & simple Religion de l' Evan-
 gile, le vrai Théisme, & ce qu'on peut appeller le droit divin
 naturel. L' autre, inscrite dans un seul pays, lui donne ses
 Dieux, ses Patrons propres & tutelaires: elle a ses Dogmes,
 ses Rites, son culte exterieur prescrit par les Loix; hors le
 seule Nation qui la suit, tout est pour elle infidelle, etranger,
 barbare; elle n' étend les devoirs & le droits de l' homme qu'
 aussi loin que ses Autels. Telles furent toutes les Religions des
 premiers Peuples, auxquelles on peut donner le nom de droit
 divin civil ou positif. p. 193.

So strange a heap of nonsense and misrepresentation, sure never came till now, even from the pen of a *modern French Philosopher*. Here, we have the *Gospel* confounded with *Natural Religion*, and *Revelation* with *Polytheism*. But it is not so much his Spite to Christianity, (of which however he appears to have a *Philosophic* share) as his abhorrence of CIVIL SOCIETY, that makes him thus reverse and confound all ideas; and this, he calls, rendering them more PRECISE. What, in the first place, he would infer being plainly this, That besides all those advantages of the *State of nature* over *civil Society*, (so largely insisted on in his Book called *Discours sur l'origine de l'inegalité parmi les Hommes*.) this blessed *State* has yet a further advantage, viz. that pure Religion is to be found only there; while Polytheism and Idolatry overrun all the World besides. For I would advise the Reader, that as often as he has to do with our CITIZEN OF GENEVA, he would observe the same Caution which an old Debauchee recommended to his Physician, that whatever was the particular complaint, he would always have an eye to the P——. So whatever be the Subject of our Philosopher's meditations, whether Education, Morality, Laws, Romance, or Religion, we should still have an eye to that infection of the mind caught amongst the *Cafirs*, at the *Cape of Good Hope*, which has poisoned his Constitution, and
given

object are INDIVIDUALS, having here, the Magistrate for God, and consequently religious Worship having a *public Part*, its care was extended to the *Whole*. Yet this being truly to be reckoned in the *Genus* of those Unions which, we have shewn, necessity of State made of so universal practice, we may be allowed to draw an argument from thence for the Justice of such Unions, whereby a Church becomes *established*. For if the Advocates of Civil Liberty may, without suspicion of Sophistry or fanaticism^a, bring the Example of God, in the HOREB CONTRACT, to justify men's common right to erect free Republics; I see no reason why the same example, in the Union of the Jewish Church and State, should not be thought of equal force to vindicate the equity of that *Alliance* between the two Societies which is made by men; and is productive of an *Established Church*.

BUT the CHRISTIAN RELIGION was not only left independent of the State, by not being united to it like the *Jewish*; (and being so left, it must needs, by the Law of Nature, be independent;) but its Independency was likewise secured by divine appointment, in that famous Declaration of its great Founder, MY KINGDOM IS NOT OF THIS WORLD: which bears this plain and obvious sense, “That the *Kingdom of Christ*,

^a See Alger. Sidney's *Discourses concerning Government*. passim.

“ to be extended over *all Mankind*, was not like the
 “ *Kingdom of God*, confined to the *Jewish People*,
 “ where Religion was incorporated with the State;
 “ and therefore of *this World*, as well in the exer-
 “ cise of it, as in the rewards and punishments by
 “ which it was administered : but was *independent*
 “ of all Civil Communities; and therefore neither
 “ of this World as to the Exercise of it, nor as to
 “ the rewards and punishments by which it was
 “ administered.” That such is the true meaning
 of this mistaken Text, appears from the delu-
 sion in which his Followers then were, *viz.* that
 the *Gospel* was to be administered according to
 the Oeconomy of the *Law*. But whoever ima-
 gines that from *this Independency by Institution* the
 Church cannot convene and unite with the State,
 concludes much too fast. We have observed,
 that this Property, in the *Kingdom of Christ*,
 was given as a mark to distinguish it from the
Kingdom of God. That is, it was given to shew,
 that this Religion extended to all Mankind; and
 was not confined, like the *Mosaic*, to one only
 People. Consequently, that very reason which
 made it proper for the *Mosaic* Religion to be
 united, by divine appointment, to the State,
 made it fit the *Christian* should be left free and
 independent. But for what end, if not for
 this, To be at liberty to adapt itself to the
 many various kinds of Civil Policies, by a suit-
 able Union and Alliance : whereby the famous
 Prophecy

Prophecy of *Isaiab* might receive its ultimate completion^b: “Thus saith the Lord God, Behold I will lift up my hand to the GENTILES, and set up my standard to the *People*—and KINGS SHALL BE THY NURSING FATHERS, AND THEIR QUEENS THY NURSING MOTHERS^c.” An *Alliance*, then, we must conclude,

^b See Divine Legation, B. vi. Sect. vi.

^c *Isaiab*, xlix. 23. The Reader cannot but be much edified with the admirable reasoning of Dr. HOADLEY, Bishop of Bangor, against Dr. HARE, Dean of Worcester; who had quoted this text and understood it in the sense here given to it.—“Can such a writer as this, (says his Lordship) so warm in a cause touching the Authority of the Church, forget that the *Church of Christ* is not the CHILD of *Kings and Queens* becoming Christians but the MOTHER; that the business of a *Mother* is to nurse and feed her children, and not to be fed by them: and that the Church is thus represented even by those who are perpetually quoting this text? Nay the Dean ought to be put in mind, that Christian Kings and Queens are a part of this very Church, to which they are here represented as *Nurses*: And that if this text relates to Christ’s Church, then Christian Kings and Queens are to *nurse* themselves.”—*Dean of Worcester still the same*, &c. p. 71.—To all this, I will only suppose the Dean to reply, “Can such a writer as this, so warm in a cause touching the *Supremacy* of the Civil Magistrate forget, that a *Christian King* is not the HEAD but a MEMBER of the Church: that the business of every member in a body is to minister to the wants of every other, *for we are members one of another*. [Eph. iv. v. 25.] not to rule and domineer over all. Nay the Bishop ought to be put in mind, that as Kings and Queens are

clude, the Christian Church was at liberty to make with the State, notwithstanding this declared nature of *Christ's Kingdom*. So far is indeed true, that it is debarred from entering into any Alliance with the State that may admit any LEGISLATOR into *Christ's Kingdom* but himself: which would, indeed, *make Christ's Kingdom of this World*. But, by our *Alliance*, no such Power is granted by one of the Parties, or usurped by the other, as hath been proved in the Corollary concerning the SUPREMACY. And therefore an *established Religion* is no violation of this famous Declaration.

SUCH then is the nature of CHRIST'S KINGDOM. It is essentially framed to compose a firm and lasting SOCIETY; it is formed into a SOCIETY by divine appointment; and, in order to fit it for public service, it is, both by Nature and Institution, declared Sovereign, and independent of Civil Government, that it may adapt itself by free Alliance, to the various kinds of human Policies. And though from this its *nature* alone, it cannot be proved to be of divine Original; yet so much may be easily shewn, that, had it

“parts and members of this very Church of which they are re-
 “presented as *Heads*, their *Headship* instead of being employed
 “to govern others, must be exercised in governing them-
 “selves.”—But, the force of this ingenious reasoning is more
 fully seen in the next Chapter, where we speak of *natural and*
fictitious Personality.

not

not *this Nature*, it could not have *that Original*. For if Religion were designed (as no Religionist can doubt) to promote our happiness here, as well as to procure for us, greater hereafter, it will follow, that if that Religion, which pretends to be the last and consummate Revelation of the Will of God to Man, be not a real *Society* and *independent*, its pretences are false, and deceitful: because the greatest temporal good from Religion is procured by its becoming NATIONAL; but *National* it cannot be, but through Alliance with the State; and no reasonable Alliance can be made but between two sovereign and independent Societies.

HENCE may be seen the Folly of those *Seets*, which, under pretence that Christianity is a spiritual Religion, fancy it cannot have Rites, Ceremonies, public Worship, a Ministry or Ecclesiastical Policy^d: Not reflecting, that, without

^d Bishop Burnet, in his History of Charles II. p. 538. tells us, that Algern. Sidney's notion of Christianity was, *that it was like a divine Philosophy in the Mind, without public Worship, or any thing that looked like a Church*. That an ignorant Monk who had seen no further than his Cell, or a mad Fana- tic who had looked beside his Reason, should talk in this manner, would be nothing strange. But that a man so supremely skilled in the science of Human Nature and Civil Policy, and who knew so well what Religion was able to do for the State, should fall into this error, is indeed surprising. The view of those monstrous abuses which Christianity had done and suf-
P 5 fered,

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out these, it could never have become NATIONAL; nor consequently have done that service to the State which, of all Religions, the Christian is most capable of performing.

BUT we are not to carry off this Honour, so fairly won for our Religion, without a warm attack from the famous Adventurer of Geneva, who crosses our way, and cries out to us to prepare for the Combat.—“ I believe (says Mr. “ Rousseau) that in developing HISTORIC “ FACTS, under this point of view, one might “ easily refute the opposite Sentiments of BAILE “ and WARBURTON, the first of whom pretends, that NO SORT of Religion is useful to “ the Body-politic; while the other, on the “ contrary, holds, that CHRISTIANITY is its “ most firm Support. One might prove against “ the first, that there never was a Civil Society

ferred, in its application to the State's service, through a long age of ignorance, by a bloody and debauched Clergy, and all for want of being guided by the principles here laid down, was, I suppose, the thing which struck him with horror, and inclined him to espouse this strange novelty; instead of recurring to that natural remedy, which another great man, embarked in the same Cause, points out, where he describes the malady.—

Primo homines ut tutò ac liberè sine vi atque injuriis vitam agerent convenere in CIVITATEM; ut sanctè et religiose, in ECCLESIAM: Illa *Leges*, hæc *Disciplinam* habet suam, planè DIVERSAM. Hinc toto orbe Christiano per tot annos bellum ex bello feritur, quod MAGISTRATUS et ECCLESIA inter se OFFICIA CONFUNDUNT. *Miltoni Defens. Pref.*

“ of

“ of which, *Religion* did not serve for the foundation; and against the Second, that the CHRISTIAN RELIGION is, at bottom, MORE HURTFUL THAN BENEFICIAL TO THE FIRM CONSTITUTION OF THE STATE^e.”

HERE I must do our *Citizen* the justice to own that he has not misrepresented me, as he does where he makes me hold the direct contrary to the main principle of my Book, namely that *Politics and Religion have one common object*^f. He may, indeed, have misrepresented Baile; but him, I am not concerned to defend. As to his censure of me and of Christianity, it was natural for one who had pretended to shew that CIVIL SOCIETY itself was hurtful to humanity, to hold that CHRISTIANITY was so likewise. Or, was this intended for a secret recommendation of our *holy Faith*, that it will afford no support

^e Je crois qu'en developpant sous ce point de vue *les faits historiques* on refuteroit aisement les sentimens opposes de Baile & de Warburton, dont l'un pretend que nulle Religion n'est utile au corps Politique, et dont l'autre soutient au contraire que le Christianisme en est le plus ferme appui. On prouveroit au premier que jamais Etat ne fut fondé que la Religion ne lui servit de base, et au second que la Loi Chrétienne est au fond plus nuisible qu'utile à la forte constitution de l'Etat.—*Du Contrat Social*. Chap. viii. p. 192.

^f Il ne faut pas de tout ceci conclurre avec Warburton que la Politique & la Religion aient parmi nous un objet commun.—p. 59.

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to an invention so fatal to mankind, as was *Civil Society*?

BUT his intention concerns himself, not me : I have only to examine, how he supports his assertion against the Author of the *Alliance*.——
“ To make myself thoroughly understood (says he) I have nothing to do but to give a little more *precision* to the too vague ideas of RELIGION, as they relate to my subject^s. ”

HE had already given a notable specimen of his *precision*, in the entrance on this Atchievement ; where promising to overturn my assertion, that CHRISTIANITY *is the most firm Support of civil Society*, he proposes to do the feat, by HISTORIC FACTS ; that is, as we shall see presently, “ by exposing the mischiefs done to Society by the ABUSES and CORRUPTIONS of Christianity. ” I but just mention it, to shew, how early his Sophistry begins to work. But now for his *more precise ideas of Religion*.

“ RELIGION, considered in its relation to Society, is either general or particular ; and may also, like Society, be divided into two Specieses ; that is to say, the RELIGION OF A MAN, and the RELIGION OF A CITIZEN. The First, without Temples, Altars, or Rights, and

^s Pour achever de me faire entendre, il ne faut que donner un peu plus de *précision* aux idées trop vagues de Religion relatives à mon sujet. p. 193.

“ con-

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Substitution, the Apostles, go on to appoint Officers, Degrees of Subordination, and Exercise of Power, one may well wonder at the strength of that complexion which can hold out against such force of Evidence. But something, you must think, there was, which made it worth their while not to be convinced. They imagined, if they could but persuade us, that Christianity made no Society of *divine* appointment, it was no Society *at all*; and consequently a *Creature of the State*. This was so flattering a conclusion, that they may well be excused a little obstinacy in encountering what obstructed their advances to it. But we have shewn, that let the point of divine Institution be determined how it will, yet *Religion* naturally and necessarily composes a *Society*, Sovereign, and independent of the Civil. Very idly therefore were their pains employed, had they proved what they attempted. But to persist against evidence and reason, in support of what can do them no service, must render them doubly ridiculous.

III. AGAIN, as the *Christian* is superior to *natural* Religion in being a Society by divine appointment; so it is superior to the *Jewish*, in being perfectly free; and independent of the *Civil*^x.

^x Sunt ab ipso Deo tum Religio tum Imperium ita constituta, ut & vera Religio sine adjuncto sibi imperio, & verum ac legitimum Imperium sine adjuncta sibi vera religione esse possit. *Bossuet*, L. v. c. 5. F. T.

The JEWISH Religion was, like the *true natural*, which it ratified, essentially fitted to compose a Society: and, like the *Christian*, (of which it was the first rudiment) made a Society by divine appointment. But then unlike the *Christian* in this, that it was not left independent of Civil Government, to unite with it, at its pleasure, on terms agreed upon; but was, for great and wise reasons^y, at once united to it by God himself. Which, also God was pleased to do, not by way of ALLIANCE, as between two bodies that were to continue distinct^z; and might be separated, from whence results an *established* Religion of the nature above explained, but by mutual Conversion into one another, and perfect INCORPORATION. By which, both Church and State, under a separate consideration, were lost, and a new species of Government arose from it, that was both and neither. For the State, whose object is a WHOLE, having here, God himself for its Magistrate, and consequently being administered by an extraordinary Providence, carried its care to *Individuals*: And Religion, whose

^y See *The Divine Legation of Moses*, B. 4.

^z Veluti in unum coierunt Christiana fides & regum imperium, nullo partium detrimento, adeo ut regni summo jure nihil per Christianam professionem decesserit—Conjunctæ quidem fuerunt in hoc regno duæ illæ potestates, Ecclesiasticæ & civiles, sed sine Confusione personarum & munerum. *Marca*, L. ii. c. 1. F. T.

given him a horror of *Civil Government*; and is always breaking out in numberless odd vagaries, whenever he sits down to speculate. Without this, we should be utterly at a loss to account for the astonishing absurdities of these few lines.

1. HE says, that the RELIGION OF A MAN, as distinguished from the *Religion of a Citizen*, is without Temples, Altars or Rites, and confined to a worship of the Supreme God merely interior.—This idle fancy I have confuted at large, in the 5th Chapter of the first Book of this Discourse; wherein I have shewn, that what he calls the *Religion of Man* or pure natural Religion, cannot support itself without *external acts and offices* of devotion, as well as with *internal meditations*. I have shewn it, I say,—from the *compound nature* of Man—from his duty to make an *open* profession of the relation in which he stands towards his Maker—from the fitness of returning thanks in *common*, for *common* blessings.

2. HE says, that *this Religion, without Temples, Altars, or Rites*, IS THE SIMPLE RELIGION OF THE GOSPEL. So gross an insult on common sense has I think never before been offered, even in these times of worse than brutal licence.—Is not the *Religion of the Gospel* the Religion of Jesus Christ? and did not Jesus Christ institute the RITES of *Baptism* and the
last

last Supper? Did he not say he would *build a CHURCH*? Is not a CHURCH a *Society* of Christians? And can any *Society* subsist without an external Administration?

3. He holds, however, that this TRUE THEISM, as he calls it, is the same with the GOSPEL in *doctrine* at least, if not in *discipline*. In which, perhaps, his ignorance, here, may be more excusable than his ill faith, before. The great Principle of TRUE THEISM is, that *God is, and that he is a rewarder of them who seek him*; The great principle of the GOSPEL is, that he will reward those who seek him with *the free gift of immortality*.

So far, as to what he calls *the Religion of Man*. Come we next to his RELIGION OF THE CITIZEN. And what he says here is no less fruitful in his usual flowers of speech, with which he is accustomed to strow the way, when ever he is disposed to lead Religion in triumph; I mean, absurdity and falsehood.

The Religion of the Citizen (says he) *is in force only in a particular Country, it gives to that Country its Gods, who are the proper and tutelary Patrons of it.*—This is the Polytheism of the GENTILES.—*It has* (says he) *its Doctrines, its Rites, its external Worship prescribed by the Laws. All out of this Pale are, to those within, Infidels, Strangers*

Strangers and Barbarians.—This is his description of the LAW OF MOSES : and agrees with no other in the ancient World ; all of which gave allowance to an universal toleration or intercommunity of Worship. Yet, of these two opposite Religions, our candid Citizen has made one and the same. And, as before, *pure Theism* was (in his account) *the same with the GOSPEL* ; so now, *Polytheism and Idolatry* is *the same with the LAW*. Indeed, where he says, that this *Religion of the Citizen* doth not extend the duties and devoirs of men beyond its altars, he fills up the measure, and vilely calumniates both PAGANISM and JUDAISM.

BUT he had left out, it seems, something in his division, where he distinguished between the *Religion of man* and the *Religion of the Citizen* ; and therefore now patches up matters by the introduction of a third species, which he calls, *the Religion of the Priest*. “ There is (says he) a third
 “ Species of Religion still more whimsical ; which
 “ giving to men two Legislatures, two Heads,
 “ two Countries, puts them under subjection to
 “ contrary Duties, and prevents them from be-
 “ ing, at the same time, good Subjects to God
 “ and to the Magistrate. Such is the Religion
 “ of the Lama, the Japoniese, and the Roman
 “ Catholics. This we may call *the Religion of*
 “ *the Priest*ⁱ.”

AND

ⁱ Il y a une troisieme sorte de Religion plus bizarre, qui donnant aux hommes deux Législations, deux Chefs, deux
 Q Patries,

AND now let us see, for what end this HONEST ACCOUNT OF RELIGION was given us by our virtuous Citizen of Geneva. In general, it is enough for him if he can but discredit REVELATION. but he is here labouring at one particular topic of discredit; its useflessness or mischief to Civil Society.—I had said, that *Christianity was its most firm Support*. He denies the proposition; and confutes it by this way of Reasoning—
 “All Religion (says he) is comprised within these three Specieses.—1. *A worship merely interior*, which affords not one single mark of Religion — 2. *A POLYTHEISTIC worship*, which damns all out of its Pale—And *Popery*, which brings in an imperium in imperio.” Now, says he, these are all *more hurtful than beneficial to the firm constitution of the State*. And so say I likewise. But he had promised to prove, against me, that the Christian Religion as delivered in the Gospel, (the Religion which, I had said, was the most firm Support of Civil Society) *is at bottom more hurtful than beneficial to it*. Now I affirm, and appeal to his own sober self against his other self, that NOT ONE of his *three Specieses of Religion* is *Christianity as delivered in the Gospel*; nor can

Patries, les soumet à des devoirs contradictoires & les empêche de pouvoir être à la fois Devots & Citoyens. Telle est la Religion des Lamas, telle est celle des Japonois, tel est le Christianisme Romain. On peut appeller celle-ci la Religion du Pretre. p. 193, 4.

any

any one of them be called, but by the Courtesy of England, even by the vague name of *Christianity*. So that here, a blind argument is lamely conducted, at a vast expence of Truth and Common Sense. How much more compendiously and commodiously has the *New Historian of Great Britain* enforced the same charge against *Christianity*. He divides ALL RELIGION, not into three, but two, Species, SUPERSTITION and FANATICISM. And who will pretend to say, that either of these can be serviceable to Society? The CHURCH OF ENGLAND, in particular, that *Janus bifrons*, which had seen both the *old and new World*, he hath taught to play each part with great advantage; to turn its *fanatical* visage, when it opposes Popery; and to become *Superstition*, when it sets its other face against the Puritans.

THUS our Citizen, by substituting three fantastic Mormos of his own raising for Gospel Christianity, he leaves my Principle, of the *Utility of this Religion to Civil Society*, untouched. So that whatever evil influence his three Impostures may have on Society, my position is no way affected by it. However, let us hear him out. There are *curiosities* in his Discourse, which one rarely meets with in common Writers.

1. FIRST then, he gives up his *third* Species of Religion, which brings in an *Imperium*

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in Imperio, as manifestly naught. And so
do I.

2. *THE Second*, which he calls the *Religion of the Citizen*, has in it (he says) something good, and something bad. “It is so far good, that
“it unites Divine Worship to a love of the
“Laws—it teaches men, that the service of
“the State is the service of the *tutelary God*
“—it is a Species of THEOCRACY.—But then
“it is bad in this, that it is founded in error
“and lies. It renders men credulous and superstitious. It stifles the true worship of
“the Divinity, in a vain ceremonial. It is
“much worse when, becoming exclusive and
“tyrannic, it renders a People sanguinary and
“intolerant—when it makes them think, they
“do a holy action in the murder of those who
“deny their Gods—when it puts them in a
“state of War with all others; a state very
“pernicious to their own proper safety^k.”

HIS

^k La seconde est bonne en ce qu’ elle réunit le culte divin & l’ amour des Loix, [et que faisant de la Patrie l’ objet de l’ adoration des Citoyens] elle leur apprend que servir l’ Etat c’ est en servir le Dieu tutélaire. C’ est une espece de Theocratie,——Mais elle est mauvaise en ce qu’ étant fondée sur l’ erreur & sur le mensonge [elle trompe les hommes] les rend crédules, superstitieux, et noye le vrai culte de la Divinité dans un vain ceremonial. Elle est mauvaise encore quand, devenant exclusive & tyrannique, elle rend un Peuple fan-

HIS spite to the Mosaic Law (we see) has made him pollute its sanctity, by mixing and confounding it with Paganism; like him who, for a better purpose, *burnt dead men's bones on the Altar of Bethel*: Out of this impure mixture he forms a Fantom, compounded of *Polytheism*, a *Theocracy* and *Intolerance*; which never yet existed together but in his own bewildered Imagination. He equally belies both PAGANISM and the LAW: the first being founded in, and existing by, universal tolerance; and the other abhorrent of every species of Idolatry. One thing is remarkable, it is, his calling Paganism, under a *tutelar Deity*, a species of THEOCRACY. I had shewn, in the *Divine Legation of Moses*, that one of the most illustrious Distinctions between the Religion which he instituted and the several modes of Paganism, was this, that tho' Both go upon the Common idea of a *tutelary God*, yet MOSES went further, and proclaimed the God of Israel to be their KING; and, by so doing, put God's peculiar People properly under a THEOCRACY. This no Pagan Lawgiver ever dared to attempt. I have explained the reason; a reason so much to the credit of the Mosaic Institution. A *tutelary God* not

sanguinaire & intolérant; [en sorte qu'il ne respire que meurtre & Massacre] et croit faire une action sainte en tuant quiconque n'admet pas ses Dieux. Cela met un tel Peuple dans un état naturel de guerre avec tous les autres, très nuisible à sa propre sûreté, p. 194-5.

implying an extraordinary or equal Providence, a Gentile Lawgiver might, for the sake of the civil uses of it, venture to proclaim. Had he gone further, and made the *tutelary God*, the NATIONAL KING, his imposture had been detected; because such a System unavoidable drew after it an *equal Providence*. Moses advanced thus far, and by constituting a THEOCRACY, hath established the truth of his pretensions. To evade this reasoning, the Citizen of Geneva insinuates, that the admission of a *tutelary God* constitutes a THEOCRACY.

HERE let me observe, how much the Author of the *Alliance* has, in another work, distressed this whole Tribe of Unbelievers of the *bon ton*, sprung from our English *Freethinkers*, and new-christened, in France, under the name of PHILOSOPHERS, an' please you. The Author¹ had explained the nature of the Jewish *Theocracy*; and from thence, had not only vindicated the *reasonableness* of the whole Jewish Law from the objections of Unbelievers; but had shewn how this very form of Government itself distinguished and ascertained its divine Original above all the pretences of Paganism: whose various modes of Religion were built on the worship of *tutelary Deities*. This alarmed our

¹ See the *Div. Leg.* Book V. Sect. 2.

PHILOSOPHERS. However it furnished their stale declamations with a fresh topic, an abusive misrepresentation of this singular species of divine Government, by calling all worship of *tutelary Deities*, THEOCRACIES. M. Rousseau leads the way; and he assures us that this worship is, UNE ESPECE DE THEOCRATIE. M. Voltaire has taken the hint, and even borrowed the words of our Citizen.—“ Il semble (says he) que la plûpart des anciennes nations aient été gouvernées par UNE ESPECE DE THEOCRATIE ^m. ” After these, comes an impious and miserable Rhapsodist ⁿ, who undertakes to shew, on the same ridiculous abuse of words, That *all the Religions of the East were THEOCRACIES*. So that, from the joint labours of these Worthies, (the PHILOSOPHERS) we are made to believe that this pretended THEOCRACY of Moses, was only productive of Superstition in Religion, and of Tyranny in the State. There is, indeed, a small circumstance, which may be thought a little to discredit this noble Discovery. Our PHILOSOPHERS, with all their superior erudition, appear to be ignorant, That the Greeks, so slender was their conception or idea of a THEOCRACY or a THEOCRATIC GOVERNMENT, had not, in all their comprehensive language, so much as a *term* to denote the *thing*. And JOSE-

^m *La PHILOSOPHIE de l' Histoire*, p. 51.

ⁿ In a book called, *Recherches sur l' Origine du Despotisme Oriental*.

PHUS, where he attempts to explain the nature of this species of Government, (the *Jewish Theocracy*) is forced to apologize for the liberty of inventing a *new name* to express his meaning*.

BUT, to return, we come at length to our Citizen's *first* species of Religion, *the Religion of man, or Christianity*, and here his purpose is to prove more directly against me, "That even *Christianity*, as delivered in the Gospel, is not the most firm support of the State." This were indeed to the point, had he not here again presented us with another of his *Fantoms* under that sacred Name. But the Reader shall not be defrauded of his own Words.—"There
 "remains the *Religion of man, or of Christianity*,
 "to be considered; not that which is now
 "called so, but that which we find in the Gos-
 "PEL, a Religion altogether different. By
 "means of this Religion, holy, sublime, and
 "true, MEN, the Children of the same God,
 "see and own themselves to be BROTHEREN;
 "while the spiritual Society which unites them
 "is never to be dissolved, not even in death.
 "But this Religion having no PARTICULAR
 "RELATION to the Body-politic, leaves the
 "Laws without any other force than what they
 "draw from themselves, without adding any
 "thing of its own; whereby one of the prin-

* ὥς δ' ἂν τις εἴποι βιασάμενος τὸν λόγον ΘΕΟΚΡΑΤΙΑΝ ἀπέ-
 δεῖξε τὸ πολίτευμα. *Cont. Ap. Lib. ii. Sect. 16.*

“ cipal bonds of a particular Society (of the
 “ civil kind) remains without effect. Further,
 “ it is so far from attaching the hearts of Citi-
 “ zens to the State, that it withdraws them, as
 “ it were, from all terrestrial things; than
 “ which, I know nothing more contrary to
 “ the Spirit of Society °.”

HE owns, (we see) *it appears by the Gospel, that all Men are Bretheren, the Children of the same God, and united in a Society not to be dissolved even in death.* Now, if the *same men* be members both of this more lasting Society, and of the *Civil* likewise, Must they not aim, in proportion to the dignity of each Society, equally to advance the interests of Both? Must not that acknowledged *relation-ship* of Bretheren in the *Religious* Society, strengthen their attachment to each other as Fellow-Members of the same *Civil* Community? And when they are once

° Reste donc la Religion de l'homme, ou le Christianisme, non pas celui d'aujourd'hui, mais celui de l'EVANGILE, qui en est tout-a-fait different. Par cette Religion sainte, sublime, veritable, les hommes, enfans du même Dieu se reconnoissent tous pour freres, & la Société qui les unit ne se dissout pas même à la mort. Mais cette Religion n'ayant nulle RELATION PARTICULIERE avec le corps-politique laisse aux Loix la seule force qu'elles tirent d'elles-mêmes sans leur en ajouter aucune autre, & par là un des grands liens de la Société particuliere reste sans effet. Bien plus; loin d'attacher les Coeurs des Citoyens à l'Etat, elle les en detache comme de toutes les choses de la terre: je ne connois rien de plus contraire à l'esprit Social, p. 195.

per-

persuaded (which every man of common sense will soon be) that to advance the happiness of Civil Society is the best means of securing the interests of that other, which is never to end, Will not their very Zeal for their Religion dispose them to as warm an adherence to the service of the State? All that can be said in favour of our Citizen's ridiculous Paradox being only this, that a true Christian will prefer the *real* interests of the Religious Society to the *apparent* interests of the Civil, whenever they are made to clash: For none but *real*, and *merely apparent*, can possibly come into competition. But this, on the very principles of our Citizen of Geneva, will be so far from being hurtful to the State, that it will be, in the highest degree, beneficial to it. He confesses that the Religion of the Gospel is *holy, sublime, and true*: In whatsoever matters, therefore, the administration of Civil Policy clashes with the injunctions of this Religion, we may be sure that so far forth, the Civil administration is *prophane, base, or erroneous*: the removal of all which qualities from Society directly tends to promote its happiness. For UTILITY AND TRUTH EVER COINCIDE. It is so far then from being true, that GOSPEL RELIGION is of no service to the State, that it is of the greatest, by affording an unerring rule, ever at hand to apply, for the Administration of Civil Policy.

BUT, as hath been observed before, we must seek for the Key to all these strange whimsies,
in

in our Citizen's *Discours sur l'origine de l'inegalité parmi les Hommes*. The truth is, he regards CIVIL SOCIETY as a Thing essentially evil; and so, never to be served or benefited by a Religion *holy, sublime, and true*; for as he in the Comedy says, "*The man doth fear God, however it seems not to be in him, by some large Jest he will make*"^p;—such as the Farce of the *Curé of Savoy*, and his own drollery upon *Miracles*. In the work we are now upon, he is a little shy of his Secret. But in his *Letters from the Mountain*, apologizing for this part of the *Social Contract*, (where, in the strongest terms, he taxes the Gospel with being pernicious to Society^q) he says,—“Far from taxing the pure Gospel with being pernicious to SOCIETY, I find it, in some sort, too Sociable, too strongly embracing the whole human kind, to be of use to a LEGISLATION WHICH MUST BE EXCLUSIVE; a Religion rather inspiring *Humanity* than *Patriotism*, and tending rather to form MEN than CITIZENS^r.”—

^p Shakespeare.

^q Je ne connois rien de plus contraire à l'esprit Social, p. 195.

^r—Bien loin de taxer le *pur Evangile* d'être pernicieux à la SOCIÉTÉ, je le trouve, en quelque sorte, trop Sociable, embrassant trop tout le genre humain pour UNE LEGISLATION QUI DOIT ÊTRE EXCLUSIVE; inspirant l'humanité plutôt que le patriotisme, & tendant à former des hommes plutôt que des Citoyens.—*Lettres écrites de la Montagne*, Lett. I. p. 35.

Here

Here the Secret is out. By *Society*, we see, he means NATURAL SOCIETY, (the State he so much extols in his *Discours sur l'origine de l'inegalité*, &c.) and by a LEGISLATION WHICH MUST BE EXCLUSIVE, he means CIVIL SOCIETY. And were this all, we should have nothing to blame but his bad Philosophy and his worse Logic. He supposes, that what men calls *Patriotism* consists in doing all the good they can to their own Country, though to the hurt and damage of all others. He mistakes. It is the Mob who so thinks. MEN hold it to consist in doing all the good they can to their own Country, but without hurt or damage to any other. He therefore, from his definition, concludes, and rightly, that Patriotism and Humanity are inconsistent: We, from ours, that they are consistent; just as our own preservation is, with universal benevolence,

“ When God and Nature link'd the general frame,
 “ And bad SELF-LOVE and SOCIAL be the same.”

WE both abound in our own sense; and, I suppose, with equal complaisancy. So far then nothing is morally amiss,

BUT when He begins to prevaricate — and surely he prevaricates very grossly, in this Apology *From the Mountain*. Did his Adversary, in *the Plain*^s, accuse him of taxing the *pure Gospel*

^s Lettres écrites de la Campagne.

with being pernicious to what HE calls, SOCIETY, and what others call, *the State of Nature*? Was it not for his holding that the *pure Gospel* was pernicious to an EXCLUSIVE LEGISLATION, which is the name he gives to *Civil Society*? Certainly with this latter defect: for it is in a Discourse, written to confute the Opinion of WARBURTON, where our Citizen says, *the pure Gospel is pernicious to Society*.

BUT it is time to go on with his accusation of Christianity, as it is urged in his *Social Contract*.

THIS Religion, he says, *has no PARTICULAR RELATION to the Body-politic*. You may always with justice, suspect the man who deduces the force of his argument from vague and evasive Premisses. We know what is meant by one thing's being related to another. But nothing I think is meant by a *particular relation*, when thus employed, but *such* a relation as may best serve the User, to support a feeble System. — That the Christian Religion, as delivered in the *Gospel*, has *a close and near relation* to the Body-politic hath been shewn just above, from our Citizen's own account of Christianity: but more especially from this whole discourse of the *Alliance*, written for no other purpose than to shew how this *relationship* began, how it is carried on, and how it may be best improved to the advantage of BOTH SOCIETIES. How
 3 it

it began has been explained at large in the third Chapter of the first Book: Where it is shewn to have arisen from the natural defect of Civil Society; which requiring, for its remedy, the assistance of Religion, and this not being to be afforded but on conditions; from thence, a *Relationship* necessarily arose between them. After this, What must we think of the Man who can tell us, that *Christianity leaves the Laws without other force than that which they draw from themselves, without adding any thing of its own?* Bayle delighted in extravagant assertions almost as much as our Citizen of Geneva; but he knew how to support them, and that, with a vigour of invention, and a profoundness of reasoning, which covered and secured them from an ordinary attack. Our Citizen gives us his misbegotten PARADOXES, as the Ostrich drops its Young, exposed, abandoned, and left to shift for themselves: And then—as he says, to an argument of the Arch-Bishop of Paris.—*Le Lecteur en jugera. Pour moi, je n'ajouterais pas un seul mot*¹. But not only the internal virtue of Religion in general, but the express precepts of the Gospel confute this strange man, when he says, *Christianity, having no particular relation to the Body-politic, leaves the Laws without any other force than what they draw* FROM THEMSELVES, *without*

¹ *Lettre a M. de Beaumont, p. 107.*

adding any thing of ITS OWN. — Doth not the Founder of our holy Faith say, *Render unto Cesar the things which are Cesar's: and unto God the things that are God's*^u. And this, in answer to a question concerning obedience to the Laws of the civil Magistrate, in a case where the support of Society is most vitally concerned, namely, *the paying of tribute.* Where, we see, the GOSPEL no more *leaves the Laws* to that only force which they draw from their own Sanctions, than it *leaves the Worship of God* to that only force which it draws from natural Reason. Both *civil tribute* and *religious worship* are equally commanded by the Sanctions of Christianity. St. Paul hath nobly paraphrased this Text in his Epistle to the Romans^v, where he explains the reason of *holy obedience* to the Laws of the State. It is, he says, because all legitimate power comes originally from God, and is actually ORDAINED by him. Hence he makes the PRIEST and CIVIL MAGISTRATE to be equally the MINISTERS OF GOD; from which, he says, it fol-

* Matt. xxii. 21.

^w “ Let every soul be subject to the *higher Powers.* For
 “ there is *no Power but of God*: the powers that be are or-
 “ dained of God. Whosoever therefore resisteth the *Power,*
 “ resisteth the ORDINANCE OF GOD: And they that resist
 “ shall receive to themselves damnation.---For he is THE
 “ MINISTER OF GOD to thee, for good.---Wherefore, ye
 “ must needs be *subject* not only for wrath, but also for CON-
 “ SCIENCE SAKE, chap. xiii. 1, & seq.

lows that we must be subject to the State, as well as to the Church, for CONSCIENCE SAKE: and thus, disobedience to the Laws being disobedience to Religion, he makes the punishment of both to be the same; concluding in the words of his divine Master, *RENDER therefore to all their dues: tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour.* Yet Christianity, as this man tells us, leaves the Laws to their own inherent force, *without adding any thing of its own.*

BUT even this is not the worst. Christianity not only gives no *forensic* strength to Society, but takes away much of its *natural*. So says our illustrious Citizen.—“Further, Christianity “is so far from attaching the hearts of Citizens “to the State, that it detaches them, as it were “from ALL TERRESTRIAL THINGS. I know nothing more contrary than this, to the Social “Spirit^x.” With what a commodious fallacy has our Citizen here supplied his argument! It required him to shew, that Christianity detached us *from Society*. He could not do that; he therefore slips in, in the place of *Society*—*all terrestrial things*. Had Scripture condemned

^x Bien plus; loin d’attacher les coeurs des Citoyens à l’Etat, elle les en détache comme de TOUS LES CHOSES DE LA TERRE: je ne connois rien de plus contraire à l’esprit social. p. 195.

Society, it had been something to his purpose; for then it might be supposed, that Jesus and the Citizen of Geneva had just the same opinion of Civil Society. But when a detachment from *earthly things* is commanded, it is to be understood COMPARATIVELY; and when the comparison is between *earthly* and heavenly, the Command is reasonable and just. Let us see then how the Sage Propagators of our holy Faith have conducted themselves on this delicate question. The learned Apostle of the Gentiles directs his Followers, that they *use this World AS NOT ABUSING IT.*—*χρῶμενοι ὡς μὴ καταχρῶμενοι.*—He adds a reason—*For the FASHION of this world passeth away.*—*σχῆμα τοῦ κόσμου τούτου*—*the Scene of things in this world.*—The sober advice here given, is to enjoy the blessings which Providence hath bestowed upon us in this state, with TEMPERANCE and JUSTICE: but not to make the most of them, in the sense and language of voluptuous and worldly men, who care not how they get them, or how they employ them, when gotten. He shews them, the bad bargain they are likely to make, when they chuse to run any risque in this adventure; since the shortness of human life makes these ill purchased advantages of little value.—And is this, *detaching men from Society?* Is it not rather *attaching* them, in the

γ 1 Cor. vii. 31.

strongest manner, to its true interests? by keeping them within the duties of good Citizens. Look abroad amongst Men, and see, whether all the miseries brought upon States and Nations, have not been owing to the neglect of this Apostolic precept, when Citizens *abuse* their situations in Society, by letting loose their irregular Passions and Appetites, in pursuit of its fleeting advantages. Yet the legislating Citizen of Geneva *knows nothing more contrary to the Social Spirit*, than THIS SPIRIT OF CHRISTIANITY. But, further, our Citizen who, from these passages of St. Paul to the Corinthians, has apparently gathered what he collects concerning *the unsocial Spirit of Christianity*, either did not, or would not see, that the advice here given to the Church of Corinth, concerning their *detachment from the World*, in its extreme sense, was a temporary direction, to enable them the better to bear an approaching Persecution; which, the Apostle, by his Prophetic Spirit, foresaw they were to suffer under Nero. This, in so many words, he declares to have been his intent. — *I speak for your own profit* ^z. — *πρὸς τὸ ὑμῶν αὐτῶν συμφέρον λέγω.* —

BUT indeed, the GOSPEL is so far from looking coldly on Society; or from aiming to with-

^z 1 Cor. vii. 35.

draw our affections from this, or any other of our natural or civil *relations*, that it makes the first and principal part of Religion to consist in imploring Heaven for the welfare of the State. St. Paul directing Timothy, a select Minister of the Word, in what manner he should form and regulate the Discipline of the Church over which the Holy Ghost had made him Overseer, lays down this principal Canon—*I exhort therefore, that FIRST OF ALL, πρῶτον πάντων, Supplications, Prayers, Intercessions, and giving of thanks be made for all men: FOR KINGS, and for all that are in AUTHORITY; that we may lead a quiet and a peaceable life in all godliness and honesty*^a. Now if this were to be done under a Pagan Magistracy, which frequently persecuted, at best, barely suffered the profession of Christ; how much greater were their effusions of Worship to be, in behalf of that Community, in which Kings and Magistrates became NURSING FATHERS of the Church? Could any thing more strongly tend to endear Civil Government to good Christians, than that a recommendation of the STATE and its interests to Heaven, was first and principally required of them, in their holy Offices? All the Writers on Politics, I mean, Writers of our Author's size of belief, recommend it to the Legislator above all things,

^a 1 Tim. ii. 1, 2.

to cajole the People into a persuasion, that Heaven interests itself in the welfare of the Community; as what would be the only lasting support of civil felicity. Now, the Followers of Christ have embraced a Religion which assures them, that Heaven doth, indeed, thus interest itself: And that the impression of this truth might be never obliterated, they are enjoined, as often as they assemble to their Devotions, to make the first and principal part of them to consist in praying for the peace and prosperity of *Kings and all in Authority*. Yet our Citizen of Geneva tells us, that *he knows nothing more contrary to the SOCIAL SPIRIT, than the SPIRIT OF CHRISTIANITY, by detaching us from all earthly things*. What must we think? was he in earnest? Certainly not in good earnest; since here, as in every other part of his discourse, he imposes on his Reader that Sophism, of all the most hacknied by every poultry Trader in Infidelity, THE ABUSE OF THE THING, FOR THE THING ITSELF. The question between us is, *What aspect Gospel-Christianity hath on Civil Society?* I have attempted to shew that it has the most benign and gracious. The Citizen of Geneva says, *it has the most unfavourable, as it detaches men from all earthly things*: And to prove his bold assertion true, he gives us, instead of an honest account of that temper and moderation, which the GOSPEL prescribes in the USE of these

these things, a frightful picture of the superstitious freaks of Monks and Asceticks, of Zealots and Hypocrites, of Fanatics and Enthusiasts. This makes the Common-place of two or three of his following pages, containing an abusive paraphrase of this Truth, “That Christianity is a Religion altogether spiritual; solely occupied in the affairs of Heaven: the Christian’s Country not being of this World^b.” To which, all, but that crew of Idiots, are ready to reply — “*Nor is our Master’s kingdom of this World*, yet his Providence governs and supports it. If therefore, in imitation of this very Providence, he bids us strive *to be perfect, as he in heaven is perfect*^c, will not his followers, in their sphere of Citizens, contribute all they can to the happiness of that Society in which Providence hath placed them? instead of becoming, as he pretends, *by this very aim at PERFECTION, detached from all the bonds of Society*^d.” However, continues our Citizen, if they should be induced to lend a hand to the Public, *it will be with the utmost indifference*

^b Le Christianisme est une Religion toute spirituelle, occupée uniquement des choses du Ciel: la patrie du Chrétien n’est pas de ce monde. p. 196.

^c Matt. v. 48.

^d A force d’être parfaite, elle manqueroit de liaison; son vice destructeur seroit dans sa perfection même. p. 196.

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as to the issue^c. If by *indifference*, Mr. Rouf-
seau means (and if he does not mean so, he
calumniates) that the good Christian will con-
sider himself a Citizen of the World, as well
as of that Country to which he particularly be-
longs; it is true; he will so consider himself:
the consequence of which will be, that he will
serve his own Country, as far as may be done
without injury or injustice to another. And
what will be the consequence of this? Cer-
tain felicity to his own: for that State which
observes the rules of justice and equity to all
others, is most likely to have, in its turn, the
same rules observed it favour of itself. But see
the iniquity of these Cavillers. Jesus says, *his*
Kingdom is not of this World. Hence his Disci-
ples say, *their Country is not of this World*: and
for this, Christianity is calumniated, as render-
ing no support to the State; and old idolatrous
Rome, which treated all other States with in-
justice, is preferred before it. Suppose now,
Jesus had said, *his Kingdom was of this World*;
and his Followers, in consequence, had main-
tained that *Dominion was founded in grace*, as Pa-
gan Rome did, that its universal Sovereignty was
founded in the Horse's-head under the Capitol;
Would Christianity have got better quarter?

^c Il fait son devoir, il est vrai, mais il le fait avec une pro-
fonde indifference sur le bon ou mauvais succès de ses soins.
p. 196.

We know it would not; since the *sovereignty* of, what we call, Christian Rome, has been so often objected to us, in discredit of the Gospel.—But the Christian's indifference it seems, lies in this, —*that so be, he have nothing with which to reproach himself, he cares little for the issue of things*^f. What? Has his *Faith* rooted out all the social passions and affections which *Nature* gave him? Hath he no regard for his Parents, his Children, or his Posterity? Not the least, says our Politician; for *if the State sink, he BLESSETH GOD*. He must needs be a bad Citizen indeed, if, in this trying circumstance, he do not, like a man of spirit, BLASPHEME his Maker.—*Curse God, and die*, is, it seems, the heroic exhortation both of Job's paganised Wife, and of our paganised Citizen of Geneva. It had been in vain either for Job, or for me, to tell them, That if the true believer *blesse*s God for the *severity* of his Dispensations, as believing that they tend to a good issue, he makes Providence his Friend; and, under this persuasion, he cannot but go on with the greatest alacrity to lend a helping hand to the shaken Republic.—But *Christianity makes men Dupes to Hypocrisy; and a Cromwell, or a Catiline would find an easy Prey of such Fellow-Citizens*^g.

Our

^f --- Pourvu qu' il n' ait rien à se reprocher, peu lui importe que tout aille bien ou mal ici bas. p. 196.

^g — Si malheureusement il s' y trouve un seul ambitieux, un seul Hypocrite, un Catilina, par exemple, un Cromwel.

Our Philosopher must know very little of *Christianity*, if he has not learnt, that it affords the best means of *detecting Hypocrisy*. Be this as it may, says the Citizen of Geneva, yet *Christian Charity doth not easily permit men to think evil of their Neighbours*^b: And this (he thinks) is enough to shew how *easily* good Christians may be duped. But, before we can admit this consequence, he must prove, that when Christianity gives men charity, it takes away their understanding. — However, says he, admit that a Cromwell may sometimes be detected by the atrocity of his Actions. — Well, and what then? — Why then, *it is God's good pleasure that we reverence his Ordinance; this abused Authority is the scourge of God to punish the offending Children of Men; and it will be deemed impiety to resist the Tyrant's usurpation*ⁱ. Does not the good Christian regard War, Pestilence, and Famine, to be the scourges of offended Heaven? and yet what good Christian, in his senses, ever scrupled to guard against, and to repel these evils? But I

celui là tres certainement aura bon marché de ses pieux Compatriotes, p. 196 7.

^b La Charité Chretienne ne permet pas aisement de penser mal de son Prochain. p. 197.

ⁱ Voilà un homme constitué en dignité; Dieu veut qu'on le respecte; bientôt voilà une Puissance; Dieu veut qu'on lui obéisse; le depositaire de cette puissance en abuse-t-il? C'est la verge dont Dieu punit ses Enfants. On se feroit conscience de chasser l'Usurpateur. p. 197.

am tired of this trash; and should not have tired my Reader with it, but to shew him, how miserably low this admired *Philosopher* and *Politician* has descended; and all for the sake of calumniating the Christian Faith. What follows, however is too curious to be overlooked. After all these complaints of the *noxious spirit of Christianity*, he confesses however, that it makes good Soldiers. This is something however, for the *Soldiery*, in time of need is the great support of Society. The Citizens of this cast, says he, *march without reluctance to the Combat: not one of them all ever dreams of flight, but, in support of the Community, they are equally disposed to conquer or to die*^k. What, now, can the Reader conceive wanting, to reconcile our Citizen to this part, at least, of the *spirit of Christianity*? A great deal. He wants such a spirit in it, as would make them swear, like old Fabius, and his band of Pagans, that *they would conquer and not die*. “That (says our SOBER CITIZEN) was, “according to my taste, A MOST NOBLE AND “ILLUSTRIOUS OATH. They swore to return “victorious; and they kept their word. A “Christian army would never have done any “thing like it. They would have thought it,

^k Les Citoyens marchent sans peine au Combat; nul d'entre eux ne songe à fuir; ils font leur devoir, mais sans passion pour la victoire; ils savent plutôt mourir que vaincre.

“to be a tempting of God¹.” It may be truly said of this unaccountable Citizen of ours, that he is at a vast expence of Morals, Metaphysics, and Politics; and all to enable him,

CUM RATIONE INSANIRE.

But now comes on his Paroxism. He is even angry at himself for the little grace he hath hitherto shewn to *Christianity*; and will, at last, demonstrate that the profession of it is even inconsistent with a FREE STATE.—“But I deceive myself (says he) when I talk of a CHRISTIAN REPUBLIC. Either of these terms excludes the other. Christianity preaches up nothing but servitude and dependence. The SPIRIT OF IT is too favourable to *Tyranny*, for her not always to take the advantage of it. TRUE CHRISTIANS ARE MADE TO BE SLAVES. They know it, and submit. This short life is, in their eyes, of too little value to give themselves any trouble about it^m.”

This

¹ C'etoit un beau serment, a mon gré, que celui des Soldats de Fabius; ils ne jurèrent pas de mourir ou de vaincre; ils jurèrent de revenir Vainqueurs; et tinrent leur serment. Jamais des Chrétiens n'en eussent fait un pareil; ils auroient cru tenter Dieu. p. 198.

^m Mais je me trompe en disant une *Republique Chretienne* chacun de ses deux mots exclut l'autre. Le Christianisme ne prêche que servitude & dépendance. Son esprit est trop favorable a la Tyrannie pour qu'elle n'en profite pas toujours. LES VRAIS CHRETIENS SONT FAITS POUR ETRE ES-

CLAVES;

This is a fearful Picture of *Gospel Christianity*. But what then, the virtuous Citizen of Geneva, can never, sure, be a *Calumniator*. However, let us not despair of the Christian Republic. This may be a Monster bred of his own Brain perhaps ; or rather, of his Heart ; and not that *Wisdom* which sprung from the Head of Jove.

THE *Slavery* which Christianity inculcates is derived, he says, from the *very Spirit* of it. Now the *true Spirit of Christianity*, he himself will confess is to be found, if any where, in the NEW TESTAMENT. The APOSTLES, he will own understood, if any men did, in what *this Spirit* consisted. Let us have recourse then to their Writings for our instruction on this important question,

THE Citizen of Geneva, you see affirms that WHERE THE SPIRIT OF THE LORD IS, THERE IS SLAVERY. St. Paul, on the contrary, assures us, that *where the Spirit of the Lord is, there is Liberty*ⁿ. Which of them do you chuse to believe ? Throughout the whole New Testament, the GOSPEL is characterised under the title of THE GLORIOUS LAW OF LIBERTY. It will be objected perhaps, that this word *Liberty* always refers to the bondage and slavery of the *Mosaic*

CLAVES ; ils le savent, et ne s'en emeuvent gueres ; cette courte vie a trop peu de prix à leurs Yeux. p. 198.

2 Cor. iii. 17.

Law.

Law. It may be so. Nay, on this principle, I support my argument, “That Christianity naturally inspires the love both of Civil and of Religious Liberty; it raises the desire of being governed by *Laws* of our own making, and by the *Conscience* which is of God’s giving.” For consider, I pray you, *the Spirit of the Mosaic Law*. In religious matters, there was no *toleration*; and in Civil, the Government being Theocratical, there was no *popular Will*; in which the idea of Liberty is supposed to consist. Now the being set free from *this Law*, the Apostolic Writers call LIBERTY. They instruct us too, in the Nature of this *Christian Liberty*.

I. IN the RELIGIOUS PART, it indulges us in a free inquiry concerning the truth of the Gospel. The *Bereans* are distinguished and extolled by the Sacred Historian for this nobleness and generosity of mind. *These*, says he, *were more noble than those of Thessalonica, in that they received the word with all readiness of mind—μετὰ πάσης προθυμίας*, which here signifies, the laying aside of all jewish prejudices—and SEARCHED the *Scriptures daily*, WHETHER THESE THINGS WERE so°.—ἀνακρίνοντες τὰς γραφάς—i. e. examined with a critical application. The virtue for which these Bereans are here extolled, St. PAUL recommends to the whole Church, and in a more enlarged

° Acts, xvii. 11.

way. *Prove all Things*, says he, [*δοκιμάζετε*: *fit* well and examine] *hold fast that which is good*^p. And the Arms, with which (by St. Paul's direction) the Believer had provided himself, St. PETER advises him always to have in readiness—*Be ready always to give an answer* [*—ἀπολογία*, i. e. a full and formal answer—] *to every man that asketh you a REASON of the hope that is in you*^q. So consistently, with each other, did these holy men act, in their general direction to the Churches. *We have no DOMINION over your faith*, —[*Κυριεύομεν*, we do not Lord it over] says the former of them, *but are HELPERS of your joy*^r. —[*συνεργοί*, fellow-labourers.] Hence it appears, the Church is no Despotic Government, but a Free Republic. So scandalously (by the way) did the late Author of, *Christianity not founded on argument*, misrepresent the Religion of his Country!

2. As to the CIVIL PART—A mistake (occasioned by those Apostolic triumphs, *where the Spirit of the Lord is, there is Liberty*) had crept in amongst the early Christians, that the Gospel dissolved the bonds of Civil Slavery, and manumised the Convert, *Foro Civili*. To combat an error, which was likely to give much scandal to the State, and to prejudice its Citi-

^p 1 Thess. v. 21.

^q 1 Peter iii. 15.

^r 2 Cor. i. 24.

zens against the new Religion, St. Paul delivers these directions to the Church of Corinth—*Let every man abide in the Calling wherein he was called. Art thou called being a servant [δοῦλος a slave] care not for it; but if thou mayest be made free, use it rather. Ye are bought with a price, be ye not the Servants [the Slaves] of men. Bretheren, let every man wherein he is called, therein abide with God^s.*

As the Kingdom of Christ is not of this World, the coming under its Dominion makes no change in the Civil condition of Men. The Apostle therefore, to obviate any imputation that *Christianity* disturbed or was unfavourable to civil Government, directs those Converts who were in a state of civil Slavery, to acquiesce, and remain contented under it. But lest this direction should be mistaken to imply, what our Citizen of Geneva has dared to assert, That *true Christians are made to be Slaves*; Civil matters, being below the notice of Saints; he at the same time, advises them to change their condition of slavery, to that of free Citizens, whenever a fair occasion offers. And to shew them that this was no indifferent matter, he sets before their Eyes the height and nobility of the Christian Character.—*Ye are bought*, says he,

^s 1 Cor. vii. 20, & seq.

with a PRICE, be ye not the Servants [or Slaves] of men. As much as say, “The dignity of Human nature is so highly advanced, by the immense price paid for it, the death and Passion of the Son of God, that it would be base and incongruous for any of the REDEEMED, to rest satisfied with a State of Slavery; when, without violating the established rights of Society, it is in their Power to become free.” And this reasoning in favour of CIVIL FREEDOM appeared so powerful to St. Paul himself, while he was urging it, that timely alarmed for the *abuse* it might occasion, he returns to where he sat out, and repeats the admonition he began with—*Bretheren, let every man wherein he is called, therein abide with God, i. e.* “let him not be ashamed to abide, and appear before God, in that Station in which God’s Providence hath placed him.”

We see then, that according to St. Paul’s idea of Christianity, the *Spirit of Liberty*, which it inspires, is not confined to the Pale of the CHURCH, but extends its vigour, to the STATE; since, as he hath observed, the dignity of Man’s nature, acquired by the price paid for his *Redemption*, obliges him to assert the freedom of the WHOLE MAN, as well *Civil* as *Religious*. But had St. Paul been less anxious for the plenitude of these rights; and contended only in general terms, for *Christian* freedom, the

consequence, in favour of *Civil Liberty*, wherever true Christianity prevailed, would have been still the same; as we shall now shew.

I. It is agreed, that if, *Where the spirit of the Lord is, there is Liberty*, this Spirit must recommend and encourage a FREEDOM OF ENQUIRY, like that exerted by the *noble Bereans*; and must support and indulge the FREE EXERCISE OF CONSCIENCE. But men, practised in the exertion, and habituated to the enjoyment, of *Religious Rights*, can never long continue ignorant of, or bear with patience, the invasion of their *Civil*. The Human faculties can never long remain in so violent and unnatural a state as to have their operations perpetually checking and defeating one another, by the contrary actions of two such opposite Principles, as *love of Freedom* and *acquiescence in Slavery*. The one or the other must, in a little time, prevail. Either the foul *Spirit of tyranny* will defile the purity of Religion, and introduce that blind submission of the Understanding, and slavish compliance of the Will, into the *Church*: Or else the *Spirit of the Lord* will overturn the usurpation of an unjust despotic Power, and bring into the STATE as well as CHURCH, *a free and reasonable Service*. The same Spirit, be it which it will, must prevail in both. This, our Author himself, in his own example, has shewn us will be the case

case, whether our passions carry us to love or hate. His paradoxical aversion to SOCIETY, we see, continues just the same, whether the Object be the *Civil* or the *Religious*.

2. SECONDLY, *True Religion* teaches, that its end is HUMAN HAPPINESS, in opposition to all the superstitious fancies of the *false*; which place it in the arbitrary, the selfish, or the capricious manifestations of God's power, or interest, or glory: and this naturally leading us to the end of civil Government, will direct us how to form a RIGHT Constitution, where the *Prince is made for the sake of the People*; when we have, by the foregoing Principle of free Inquiry, already detected the absurdity of a WRONG; which professes to make *the People for the sake of the Prince*.

3. THIRDLY, That equitable Policy by which *true Religion* governs in the Church and true Religion as well as false must (as we have shewn) always have a Church to govern, will further aid us, when we have now found the *end* of civil Society, to attain the *means* likewise, by copying in the State, from that Ecclesiastical subordination of Power, and limitation of Authority, where the SOVERAIGNTY resides in the whole body of the Faithful; not, as in the administration of *corrupt Religion*,

S

where

258 *Of an ESTABLISHED CHURCH. B. II.*
where a servile Clergy and a despotic Prelate
constitute the CHURCH.

4. BUT above all, That grandeur and elevation of mind, that sublimity of sentiment, that conscious dignity of our Nature, redeemed at so high a price, which *true Religion* keeps alive; which Holy Scripture dictates; and which the Spirit of the Lord inspires, will be ever pushing us on to the attainment and preservation of those CIVIL RIGHTS, which we have been taught by Reason to know are ours; and which we have been made to feel by experience, are, of all Ours, the most indispensable to human happiness.

By all these several ways is the SPIRIT OF THE LORD, or *true Religion*, naturally productive of the great Blessing, *Civil Liberty*.

BUT the most generous and noble Constitutions being most liable to abuse, as Fruits exalted to their highest degree of perfection, are nearest to their state of decay, LIBERTY, the greatest blessing here below, is principally subject to this common infirmity of our Nature: On this account, St. Peter, while he recommends, and glories in, *Christian Liberty*, yet adds this necessary caution—*As free, and not using your Liberty for a cloke of maliciousness, but as the*
ser-

servants of God^t. i. e. *Free as the servants of God*, alluding to what St. Paul had said, *ye are bought with a price* [and therefore being the Servants of God] *be ye not the servants of Men*. But lest this indulgence of the Spirit of *Civil freedom* should be abused, Peter reminds them on what principle it was indulged, namely, by their becoming, (on the price paid) *the Servants of God*; a Principle equally operative to inspire this spirit, and to keep it within just and proper bounds: For he makes their service to their Heavenly Master the motive of Obedience to their Earthly—*Fear God, Honour the King*^u.

WHAT follows, in our Author's SOCIAL CONTRACT, concerning the natural Spirit of a Christian Militia, is such a mixture of sophistry and blunder, and in such equal proportions, that I should be ashamed to give it a formal confutation. However, the last paragraph is too curious to be passed over in silence. “Under the Pagan Emperors the Christian Soldiery were brave. All the Christian Writers assure us they were so. And I believe it. It was plainly owing to an emulation of Honour against the Pagan Troops. When the Emperors became Christian this emulation ceased; and when the Cross had driven away the Eagle, all the

^t Peter ii. 16.^u Ver. 17.

“Roman valour disappeared.” The *Roman valour* did indeed from henceforward, tho’ not *disappear*, yet, certainly, begin to decay. This all the Historians of those times, both Christian and Pagan, unanimously confess. We have reason to believe them, for they assign a cause fully adequate to the effect; which was, the hiring of mercenary Troops from amongst the Barbarous nations, to fight their Battles. But EMULATION, the only thing they had occasion for to preserve and keep alive their martial Spirit, while the Romans and their Mercenaries charged together under the same Ensign, whether of the *Cross* or the *Eagle*, they had still, in all its vigour.

It may be here just worth while to observe, that our Citizen is very apt to forget his own Principles. His Charge against the unsocial Spirit of *Christianity* is founded in *this*, “that its Professors are actuated only by *heavenly*, not *earthly* affections.” Yet here, to take off all he can from the merit of their acknowledged BRA-

¶ Sous les Empereurs payens les Soldats Chrétiens étoient braves ; tous les Auteurs Chrétiens l’assurent, et je le crois : c’ étoit une émulation d’honneur contre les Troupes payennes. Des que les Empereurs furent Chrétiens cette emulation ne subsista plus ; et quand la Croix eut chassé l’aigle toute la valeur Romaine disparut. p. 199.

VERY,

VERY, he says, it arose from a spirit of military emulation.

IN Conclusion, let me here repeat my Charge, that our Citizen of Geneva in this accusation of the *flavish Spirit of Christianity*, has once more flur-red his usual Sophism on the Reader; and, instead of the *Spirit of Christianity*, has presented him with the *Spirit of Popery*; which does, indeed, by stif-fing all freedom of enquiry in religious matters, prepare us for a slavish submission to our Civil Tyrants. An exploit, in which the Church of Rome so much triumphs, that all the Advo-cates of Popery, and all the Enemies of the Re-formed, from BELLERMINE down to VOLTAIRE, have made the FACTIOUS SPIRIT OF PROTES-TANTISM the constant Topic of their abuse and calumny.

AFTER all the instances of ILL FAITH here given, and many more might have been given, with what astonishment must the Public hear the Citizen of Geneva boast to the Arch Bishop of Paris, that he is A MAN MADE UP SOLELY OF TRUTH; THE ONLY AUTHOR OF THIS AGE, AND OF MANY OF THE FOREGOING, WHO HATH WRITTEN WITH GOOD FAITH^x.

^x Mes Ennemis auront beau fair aver leurs injures; il's ne m' ôteront point l' honneur d' être UN HOMME VERIDIQUE EN TOUTE CHOSE, D' ETRE LE SEUL AUTEUR DE MON SIECLE, & DE BEAUCOUP D' AUTRES QUI AIT ECRIT DE BONNE FOI. *Lettre a M. de Beaumont*, p. 65.

C H A P. V.

*In which an Objection to the fundamental Principles
of this Alliance is removed.*

HERE, I should have concluded this second Book, but that it appeared reasonable to obviate an Objection, which may seem to affect our fundamental Principle, the *reality* of this *free Convention*. The objection is this, "That as the two Societies are supposed to be formed out of one and the same number of individuals, those very men who compose the State, composing the Church also, it is a Convention of the same individuals with themselves, under different capacities. Which convention is as trifling and ineffectual as that which one individual would make with himself." The Objection, we see, goes upon this Supposition, that the circumstances which prevent one Individual's compacting with himself do unavoidably attend a Compact attempted to be made by many Individuals with themselves, under the distinction of two Societies.

If therefore we can shew the Supposition to be groundless, the Objection is overthrown. However, we shall do more: we shall not only shew

shew our *free Convention* to have none of the circumstances attending it, which prevent *one* Individual's compacting with himself; but, that it hath all the circumstances that make a compact binding between *two*.

LET us see what it is which prevents a Man's contracting with himself. It is of the essence of all Contracts that there be, 1. The concurrence of two Wills; and, 2. A mutual obligation on two persons for the performance of their mutual promises. But one man having but one *Will*, there is no *Foundation* for a compact, which requires the concurrence of two Wills: And having but one *Person* there is no *efficacy* in the compact; because no obligation: For what a man promises to himself, himself can acquit. Therefore an obligation, which the obliged can destroy by the sole act of his *Will*, is not *real* but *fanciful*. Hence it appears, that a man's contracting with himself is, of all Fancies, the most impertinent.

THUS, we see, the Defect of that *Compact of one Individual with himself*, proceeds from the want of two *Wills* and two *Persons*. If then, two Societies have really two distinct *Wills*, and two distinct *Personalities*; the subject Matter's being one and the same (of which these two artificial Bodies are

composed) cannot possibly hinder those two Societies from entering into Compact; nor that Compact from having all the effects of such as are adjudged most real.

THAT two such Societies have two distinct *Wills* and *Personalities* I shall shew. When any number of men form themselves into a Society, whether Civil or Religious, this Society becomes a *Body*, different from that Aggregate which the number of Individuals composed before the Society was formed. Else the Society would be nothing; or, in other words, no Society would be formed. Here then is a *Body*, distinct from the aggregate composed by the number of Individuals: And is called *facitious* to distinguish it from the *natural Body*; being, indeed, the *Creature of human Will*. But a *Body* must have its *proper Personality and Will*, which, without *these*, is no more than a shadow or a name. This Personality and Will, are neither the personality and will of one Individual, nor of all together. Not of one, is self evident. Not of *all*, because the MAJORITY, in this *facitious Body*, hath the denomination of the *Person* and of the *Will* of the Society. We conclude then, that the *Will* and *Personality* of a Community are as different and distinct from the Will and personality of the numbers of which it is composed, as the Body
itself

itself is. And, that as in the erection of a Community, a *facilitious Body* was created, so were a *facilitious Personality and Will*. The reality of this *Personality* is clearly seen in the administration of the *Law of Nations*, where two States are considered as two men living in the state of Nature.

BUT the force of this Reasoning will be better seen and supported by an example. The Writers of the Law of Nature and Nations allow that the *second Convention*, as it is called, in a pure *Democratic State* is as real and binding as the same Convention in a State of any other Form. The *second Convention* is that whereby Protection and Allegiance are mutually promised by Sovereign and People: “For in the Collective body; (says HOOKER) that have not divided the principality of power into some one, or few, the Whole of necessity must be head over each part:” So that here the people contract with themselves. And yet is the Contract adjudged most real. This conclusion is founded on the very Principle I lay down to prove the reality of the Convention between Church and State; namely that, in entering into Society, a *facilitious Person* is created. In a Democracy, this Person, the Sovereign, is

the WHOLE : And, with this Person, the *natural persons* of all the individuals convene.

IF this be the case, then it follows that the self same number of Individuals, which have formed and erected, of themselves, one Society or *factitious Body*, endowed with a distinct *Personality and Will*, may erect, of themselves, as *many such* Societies as they please. Because the Body, Personality, and Will, of such Societies being all factitious, the Store-house, from whence they come, is as inexhaustible as the wants of Mankind. Whereas, were the Will and Personality of the Individuals, the Will and Personality of the Society composed by them, then, on the contrary, the self same number of Individuals could not erect above *one* Society : Because their Personality and Will being already bestowed upon one Society, they had them not to give again, in order to animate any other.

HERE then we have two Societies, made up of one and the same number of Individuals, with each its distinct Personality and Will; each different from the Personality and Will of the other, and from the Personality and Will of the Individuals. But the different *Natures* of the Societies not only make their wills and personalities distinct, but their different *Ends* will keep them

them so. For each Society being created for one certain end, it hath its own proper views and interests: And tho' Each be so closely related to the Other as to have one common *Suppositum*, yet it pursues its proper interests only; without further regard to the interests of the other, than as *these* interests support its own. In this, the *artificial* man, Society, is much unlike the *natural*; who being created for *several Ends* hath several interests to pursue, and several relations to consult; and may therefore be considered *under several Capacities*, as a *Religious*, a *Civil*, a *Rational* animal, &c. And yet they all make but one and the same Man. But one and the same political Society cannot be considered, in one view, as a *Religious*; in another, as a *Civil*; and, in another, as a literary Community. One Society can be precisely *but one* of these Communities^z.

^z Ecclesiastica potestas seu respublica Christiana, quæ sub nomine Ecclesiæ sæpe explicatur, eam significat Clericorum & Laicorum collectionem, qui in unum corpus adunati, ecclesiasticis Legibus se subjiciunt; non quidem quatenus homines civilem rempublicam componentes, sed quatenus in spirituales coetum admissi. Eadem ratione civis respublica dici potest, quæ vel ex infidelibus principibus & rebus publicis constet, vel quæ ex Christianis hominibus quidem, sed nullo ad religionem respectu habito, componitur. *Marca l. ii. c. i. F. T.*

BUT

BUT, now it is to be observed, that, let this objection to a real Convention, from the want of distinct personalities and wills in the two Societies, be as strong as we have shewn it to be weak, yet it reaches only to those two Societies under a pure unmixed *democratic* Form; in which the Sovereignty of the Society resides in the whole number of Individuals. When both, or either is under any other Form, the Objection hath no weight. Because then the Sovereignty of, at least, one of the Societies resides not in the Whole, but in part only of the Body Politic. And all Conventions between Societies being made between the Sovereignities thereof, these Sovereignities must needs have two personalities and will, as being composed, not of the same, but of different Individuals. But few or no Religious or Civil Societies being under this pure unmixed Democratic Form, the Objection is not directed against any *actual* Union between the two Societies. However having all along, for the sake of clearness and brevity, considered the two Societies under this simple and primitive *Democratic* Form, I thought it proper to remove an Objection which lay against that Form, tho' it lay against that only.

THE conclusion from the Whole is, that two Societies, composed of one and the same number

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ber of Individuals, in which the Personalities and Wills not only *are*, but *must* necessarily continue to be and to be kept, distinct, are proper Subjects for Compact and Convention with one another; there being no circumstance, either necessary or commodious, for the making any kind of Civil Compacts binding, which is not to be found in these. I will only add, that as the administration of both Societies can never be in the same hands at once, those *personalities and wills*, which *are*, and are *kept up*, distinct, will be easily understood to be so.

BUT, to crown the whole, let me observe, that nothing so clearly evinces the importance and necessity of this THEORY for justifying the Right which the State hath to interfere in Church Matters, as the mistakes, into which the excellent HOOKER was betrayed, on his missing of that capital idea of an ALLIANCE, when he came to defend *the right of Civil Princes to Ecclesiastical dominion*, in the Eighth Book of his immortal Work, intitled OF THE LAWS OF ECCLESIASTICAL POLITY.

Now, although it hath been long doubted, Whether we have received the *three* last Books of this Work from the Author's most perfect Copy, seeing they came not to the press till after his decease, yet that they are indeed of the same hand with the other *five*, cannot I think

I

think be doubted by any who have studied the unquestioned Books with a due degree of attention.

THE subject of this Eighth Book is, as we have said, a defence of the Civil Magistrate, in the administration of ecclesiastical Supremacy, against the PURITANS of that time, who denied the spiritual legality of such a Supremacy, and supported their opposition on this capital Argument.—*The Church and Commonwealth being Societies or Corporations totally distinct and independent on one another by nature, there is a separation perpetual and personal between the Church and Commonwealth*^a. This Argument HOOKER attempts to overthrow. The position of his Adversary is loosely worded. But the contest, at that time, subsisting between the *Puritans* and the *Church of England*, shews the meaning to be this, That “that INDEPENDENCY which a *Religious Society* had by nature, it could never give up to the *Civil*.”

THE Argument itself might have been easily Answered, as the Reader sees it hath been in this Discourse of the *Alliance*, where the PREMISES are not only granted, but by various reasonings established; and the INFERENCE not only denied, but by the same reasonings re-

^a Eccl. Pol. Book viii. p. 407.

futed: It being shewn, that nothing can hinder two distinct and independent Societies from entering into compact: and that *only such* Societies can contract a free *Alliance*. This, which *may* be done lawfully, I have shewn *must* be done necessarily, before the Church can claim the protection of the State; or before the State can engage the service of the Church; and both act in the manner in which these reciprocal benefits are given and returned, in the happy Establishment under which we live. In other words, I have shewn, how the Church became enabled to exercise civil Power without *Tyranny*; and the State, to exercise ecclesiastical power without *Usurpation*.

BUT by ill hap, the excellent HOOKER, took the contrary method: He denied the PREMISSES, instead of questioning the CONCLUSION; and so entangled himself and his Cause in inextricable difficulties. He too hastily conceded to his Adversaries, that those things which were separated by *nature*, and more especially by divine *Institution*, and so, INDEPENDENT of one another, must always continue independent. An absurd assertion! which the Reader will see confuted at large in the *Postscript*, against the reasoning of Lord Bolingbroke, who lately revived this Pu-
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ritan

ritan Principle. Instead therefore of exposing the error of the *Conclusion*, HOOKER addresses himself (as we said) to confute the *PREMISSES*; and to shew, that *Church and State were not two Societies, totally distinct and independent by nature, but rather one and the Same Society; which, regarded in different views, had different names*^b. For, (saith he) *the truth is, that the Church and Commonwealth are names which import things really different. But THESE THINGS ARE ACCIDENTS; and such accidents, as may, and always should, dwell lovingly together in one SUBJECT*^c. Which subject he tells us, is the aggregate Body of a people. Or in other words, Church and State are one *Society under different names*. He attempts to support this idea from *reason and fact*.

I. “WE hold, (says he) that seeing there is
 “not any man of the Church of England but
 “the same man is also a member of the Com-
 “monwealth, nor any member of the Common-
 “wealth which is not also of the Church of
 “England, therefore, as in a figure triangle,
 “the base doth differ from the sides thereof,
 “and yet one and the self same line is both a
 “base and also a side; a side simply, a base if
 “it chance to be the bottom, and underlye
 “the rest: so albeit properties and actions of

^b Page 407. Edit. 1723.

^c Page 409.

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“one, do cause the *name of a commonwealth*;
 “qualities and functions of another sort, the
 “*name of the Church* to be given to a Multitude;
 “yet one and the self same Multitude may, in
 “such sort, be both^d.” To this ingenious illustration, it is sufficient to reply, in the great Man’s own words, in this very book:—*There is nothing for which some COMPARABLE reason or other may not be given;—i. e. by some Simile or other, supported.*

BUT let us consider the *argument*, on which he founds his illustration, “that the same individuals being members both of Church and State must make them but one Community, under different names.” An argument which he repeats in the next page.—“When all in the Commonwealth
 “do believe the Gospel, and are contained in
 “the name of the Church, how should the
 “Church remain BY PERSONAL SUBSISTENCE
 “divided from the Commonwealth? The
 “Church and the Commonwealth are in this
 “case, therefore, PERSONALLY, one Society:
 “which Society being termed *Commonwealth*,
 “as it liveth under whatsoever form of secular
 “Law and regiment; a *Church*, as it liveth
 “under the Spiritual Law of Christ^e.”—Now all this strange reasoning ariseth, as the Reader sees, from not distinguishing between a *natural*

^d Page 407.

^e Page 409.

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and an *artificial* PERSONAGE; which latter every
Society, Community, or Corporation, necessarily
creates; as hath been just now shewn at large in
this very Chapter; so that when this distinction
is applied, the absurdity becomes apparent.

2. THE great Writer's argument from *fact* is
taken from the *Jewish Commonwealth*, where
Church and State made but one Society.—“Unto
“the Jews (says he) God so revealed the truth
“of Religion that he gave them, in special con-
“siderations, Laws not only for the administra-
“tion of things spiritual, but also temporal.
“The Lord himself appointing both the one
“and the other in that Commonwealth, did not
“thereby distract it into several independent
“Communities, but institute several functions
“of one and the self same Community. Some
“*reasons* therefore must there be alledged why
“it should be otherwise in the Church of
“Christ.” These *reasons*, the Reader hath
seen alledged just above. But with regard to
his own reason, shewing whereby the Jewish
Church and State became *one and the self same*
Community, nothing can be more defective; the
true cause of *this incorporation* was peculiar and
singular; it was the natural and necessary conse-
quence of a THEOCRACY; as hath been shewn
at large elsewhere[§], and therefore cannot be

^f Page 408.

[§] Div. Leg. part 2d.

possibly

possibly urged in proof or support of HOOKER's general Principle, "that Church and State make but one Society or Community." However, this was an argument *ad homines*. The Puritans of that time were accustomed to support their dissent from the established Discipline of the Church, on peculiarities in the Mosaic Oeconomy, ill understood, and worse applied. Yet had our great Author, instead of opposing their Premises, bethought himself to oppose their Conclusion, *that the Church and State could never allie*, he had had a very easy victory; for all that the Puritans could find to support this proposition, was the Principle, which in those days they generally went upon, that *every thing was evil for which Men had not the command or the permission of Scripture*. Now HOOKER might easily have overthrown this principle, by only observing that there was such *permission given by Scripture* to unite the two Societies, in the example of the Jewish Republic.

BUT the abhorrence of one extreme, always runs indiscreet Disputants into another. Sometimes the most discreet are liable to this abusive conduct, when they have missed of the true medium. This was unhappily the case here. Hooker saw plainly, that the Puritan principle (which held, not only that *the Church and Commonwealth were Societies totally distinct and independent on one another by nature*, but that this

separation was to remain perpetual) necessarily brought in that absurd and fatal evil in politics, an *imperium in imperio*: for they held that the Magistrate was notwithstanding *ordained*, and therefore *obliged*, to support the Church, and to impart to it of his civil coercive Power even while she retained her independency and Sovereignty. To combat this principle, which makes the *State a slave to the Church*, HOOKER ran into the opposite extreme, which makes the *Church a slave to the State*. His words are these: “ Another occasion of which *mis-*
“ *conceit,*” (*viz.* that the Church and State are two distinct independent Societies) “ is
“ that things appertaining to Religion are
“ both distinguished from other affairs, and
“ have always had, in the Church spiritual
“ persons chosen to be exercised about them.
“ By which distinction of spiritual affairs, and
“ persons therein employed, from temporal, the
“ error of PERSONAL SEPARATION always neces-
“ sary between the Church and Commonwealth
“ hath strengthened itself. For every politic
“ Society, that being true which *Aristotle* saith,
“ namely, *That the scope thereof is not simply to*
“ *live,* NOR THE DUTY SO MUCH TO PROVIDE
“ FOR THE LIFE, as for the means of living
“ well: and that even as the Soul is the wor-
“ thier part of man, so human Societies are
“ much more to care for that which tendeth
“ pro-

C. 5. Of an ESTABLISHED CHURCH. 277

“ properly to the Soul’s estate, than for such
 “ temporal things which the life hath need of.
 “ Other proof there needeth none to shew that
 “ as by all men the Kingdom of God is to be
 “ sought first, so in all Commonwealths, things
 “ Spiritual ought, above temporal, to be sought
 “ for; and of things spiritual the chiefest is
 “ Religion^h.” This reasoning is founded on
 the *misconceit*, so thoroughly exploded above,
 “ That civil Society was instituted for the attain-
 ment of every kind of good it is even accidentally
 capable of producing :” this he supports by the
 words of Aristotle ill interpreted; who by the
means of living well meant no more, than that
 Society procured those commodities of civil life,
 which in a *State of nature* men must be content to
 live without. Aristotle’s words are literally
 these, that Society was instituted first *for the*
sake of living, simply; and then for the sake of living
happily—*γινόμενῃ μὲν ὅν τῷ ζῆν ἐνεκεν, ὅσα δὲ τῷ εὖ ζῆν.*
 He is extremely concise. But his meaning
 seems to be this, (as hath been observed above)
 that the *primary* end of civil Society, was to se-
 cure men from that mutual violence to which
 they were exposed in a state of Nature: the
secondary, to promote those *accommodations* of
 life which Civil Society only, can bestow. And
 here, I am sorry to observe, that this excellent
 man, in paraphrasing the words of Aristotle, so

^h Book viii. p. 408.

as to give a sense to his purpose, (a purpose, the Greek Philosopher never thought of) has added,—*nor the duty so much to provide for the life—* meaning THIS life.

BUT to proceed,—Again,—“Christian Kings,
 “within their own precincts and territories,
 “(says he) have an Authority and Power, *even*
 “*in matters of Christian Religion*; and there is
 “no higher nor greater that can in those cases
 “ever-command them, where they are placed
 “to reign as Kings’.” The unavoidable consequence of this Doctrine is,

I. THAT *the Church becomes a Slave to the State*: for if it be the first duty of the civil Magistrate to see to the good condition of *things Spiritual, the chiefest of which is Religion*, he must, on being invested with his office, (which HOOKER very rightly derives from the People) be endowed with Power to put and to keep *Spiritual things in this Condition*; which Power can be no other than absolute Authority in Church-matters, or as HOOKER himself more strongly expresses it, *Authority and Power in MATTERS OF CHRISTIAN RELIGION*. So that the Church as a religious Society hath nothing left to be performed, on their part, but a ready obedience to all the Commands of the State. And

that this is no forced inference drawn from HOOKER's Principle will appear evident from hence,—One of the great purposes of Hobb's LEVIATHAN is to prove, that the Church is a Creature of the State : and he proceeds to induce his proof, on this very Principle of HOOKER, *that a COMMONWEALTH of Christian Men and a CHURCH are the same thing called by two names*^k. But this is not the worst ; for,

2. SECONDLY, These Principles support and authorize *Persecution for Opinions* : For if, when the Magistrate decrees in Religious matters, whether of Doctrine or Discipline, men will not submit, the absolute power here given him justifies him in using force, for *he beareth not the Sword in vain*. And to confess the truth, these Principles, recommended by so great an Authority, soon becoming the Principles in fashion ; the practice soon followed : the Magistrate became a *Persecutor* ; and so continued ; till *civil necessity*, arising from a State Revolution, not the *religious choice* of a better Theory, put a final stop to this Opprobrium of Humanity.

To conclude, the PURITANS, and their incomparable Adversary had, in this famous quarrel (as is the wont) divided Truth and Falshood pretty

^k *Leviathan*.

equally between them. The Puritans were right in supposing Church and State to be two distinct independent Societies: They were wrong in supposing the two Societies must always continue so: But right again in holding, that while they did so continue, the civil Magistrate had nothing to do with Religion. On the other Hand, HOOKER was wrong in thinking, *Church and State* was only one Society under different names. He was right in asserting the Civil Magistrate's Supremacy in Religion; but wrong again in supposing that this Supremacy was by *nature*, and not by *compact*. Thus, from right premises, the PURITANS drew a wrong conclusion; and from wrong premises, HOOKER drew a right one. But if, from the wrong conclusion of the *Former*, the Supremacy of the Magistrate was for ever excluded; yet from the right conclusion of the *Latter*, he was admitted before his time. And all this confusion arose from a common error, admitted on both sides, that if Church and State be distinct and independent Societies, they must EVER remain distinct and independent.

THE result from all we have seen was this, that the PURITAN principle established an IMPERIUM IN IMPERIO: and that HOOKER's introduced PERSECUTION FOR OPINIONS.

BOOK

B O O K III.

Of a T E S T - L A W.

C H A P. I.

Of the Origin and Use of a Test-Law.

O MAGNA VIS VERITATIS, quæ contra Hominum ingenia, calliditatem, follertiam, contraque fictas omnium insidias, facile se, per se, ipsa defendat^a !” Thus breaks out the illustrious Roman, transported by a fit of philosophical Enthusiasm. This *force of Truth* never shone with greater lustre than on the present occasion : Where by the assistance of a few plain and simple Principles, taken from the nature of man, and the ends of political Society, we have cleared up a Chaos of controversy ; proved the justice and necessity of an ALLIANCE BETWEEN CHURCH AND STATE ; deduced the mutual conditions on which it was formed ; and shewn them to have an amazing agreement with our own happy Establishment. What re-

^a Cicer. Orat. pro Cœlio.

mains is to vindicate the Equity of what our Constitution calls a TEST-LAW; which we are now enabled to do *on the very Principles of our Adversaries themselves.*

THE necessity of a NATIONAL RELIGION was, till of late, one of the most uncontested Principles in politics. The practice of all Nations and the opinion of all Sages concurred to give it credit. To collect what the best and wisest Authors of antiquity (where the consent was universal) have said in favour of a *national Religion*, would be endless. We shall content ourselves with the opinion of two modern Writers in its favour: who, being professed advocates for the common Rights of mankind, will, we suppose, be favourably heard. “ This (says one of them) “ was ancient Policy [*viz.* the union of the Civil and Religious interests] “ and “ hence it is necessary that the People should “ have a public leading in Religion. For to “ deny the Magistrate a worship, or take away “ a NATIONAL CHURCH, is as mere Enthusiasm “ as the notion which sets up Persecution^b. ” “ Toward keeping mankind in order (says the “ other) it is necessary there should be some “ Religion professed and even ESTABLISHED^c. ”

^b Shaftsbury's Characteristicks, Vol. i. Tr. i. § 2.

^c Wollaston's Relig. of Nature Delin. p. 124.

Indeed

Indeed not many, even now, will directly deny this necessity; tho', by employing such Arguments against a *Test* as would destroy an *Establishment*, they open a way, tho' a little more obliquely, to this conclusion. But it is that unavoidable consequence springing from an *established Church* in every place where there are diversities of Religions, a TEST-LAW, which makes the Judgment of so many revolt; and chuse rather to give up an *Establishment* than receive it with this tyrannical Attendant. Altho' it appears, at first view, so evident that, when a Church and State are in UNION, he who cannot give security for his behaviour to *Both*, may with as much reason be deprived of some Civil Advantages, as he, who, before the UNION, could not give security to the State alone.

THE matter, therefore, of greatest concern remains to be enquired into; namely, how *the equity of a Test-Law* can be deduced from those Principles of the Law of Nature and Nations, by which we have so clearly proved *the justice of an Established Religion*. But here, as before, in the case of an *Establishment*, it is not to my purpose to defend this or that national form or mode of *Test*; for it may so happen, (I wish I could say it has not happened) that the very worst may be employed, where the dangers are pressing,

pressing, or the passions of men inflamed; but to defend a TEST-LAW in general. By which I understand *some sufficient proof or evidence required from those admitted into the Administration of public affairs, that they are Members of the Religion established by Law.*

AND, in shewing the justice, equity, and necessity of a *Test-Law*, I shall proceed in the manner in which I sat out, and have hitherto observed, of deducing all my Conclusions, in a continued chain of reasoning, from the simple Principles at first laid down.

HITHERTO I have considered *that Alliance*, between Church and State, which produces an *Establishment*, only under its more simple form, *i. e.* where there is but *one Religion* in the State. But it may so happen, that, either at the time of Convention, or afterwards, there may be *more than one.*

I. If there be more than one at the time of Convention, the State allies itself with the LARGEST of these Religious Societies. It is *fit* the State should do so, because the larger the Religious Society is, where there is an equality in other points, the better enabled it will be to answer the ends of an *Alliance*; as having the greatest number under its influence. It is *scarce possible* it should do otherwise; because the two Societies
being

being composed of the same Individuals, the greatly prevailing Religion must have a majority of its members in the Assemblies of State; who will naturally prefer their own Religion to any other.

WITH this Religion is the *Alliance* made; and a full TOLERATION given to the Rest, in *esse*, or in *posse*^d. Yet under the restriction of a TEST-

^d No man ever carried *human liberty* to the ridiculous excess, in which we find it in the Writings of J. J. Rousseau, the Celebrated Citizen of Geneva. Yet, with the appearance of the like extravagant caprice in the other extreme, he deprives men of that most precious branch of their liberty, the worshipping God according to their conscience. “As to
“ Religions once *established*, or *tolerated* in a State, I think
“ it (says he, in a Letter to the *Archbishop* of Paris) unjust
“ and barbarous to destroy them by violence; and that the
“ Sovereign hurts himself in maltreating the followers of
“ them. There is a great difference between men’s embracing a new Religion, and living and continuing in that in which they were born. *The first only are punishable*. The
“ Civil Power should neither suffer diversities of Opinion to be
“ new planted, neither should it proscribe those which have already taken root. *For a Son is never in the wrong for following the Religion of his Father*: and the *public peace requires* that there should be no persecution.” — *Lettre a M. De Beaumont, L’ Archeveque de Paris*. p. 86. I have given the Original in another place.

This one might expect from a Man of Paradox: but, to find so sage an Advocate for Liberty as M. de Montesquieu speaking in the same strain, appears at first sight, very unaccountable.

TEST-LAW, to keep them from hurting that which is *established*.

FROM

countable.—“ See then (says he) the fundamental principle
“ of Civil Laws with regard to Religion. When the Civil
“ Power is the Master, whether it will receive a *new Religion*
“ into the State, or whether it will not, It should not receive
“ it. When it hath already gotten footing in the State,
“ it should be *tolerated*.”—Voici donc le principe fonda-
mental des loix politiques en fait de Religion. Quand on est
Maître de recevoir dans un état une nouvelle Religion, ou de
ne pas recevoir, il ne faut pas l’y établir; quand elle y est
établie, il faut la tolérer.—*De l’Esprit des Loix*, L. 25. C. x.

This decision of these two Philosophic Legists appears to be as contradictory to their own general Principle, as it is absurd and unjust in itself. The only way I know, of accounting for it, is to suppose (and I believe I do small injury to truth in supposing it) that both of them consider RELIGION as a mere ENGINE OF STATE; an useful one indeed, when rightly applied; but very mischievous when not conducted by as able Politicians as themselves. Suppose this; and then, as discordant as their decision is to their *Civil principles* of Liberty, it is very consonant to their *Religious principles* of an *Engine of State*. For if Religion be only thus to be considered, any one Mode of it will serve the turn: more than one may be too much, and occasion civil disorders: therefore more than One ought not to be admitted. But if several have already taken root, they are to be *tolerated* and left in peace, for the very same reason: because the attempt to eradicate them might be attended with the same civil mischief which a new introduction of them would produce.

But neither of these celebrated Writers seemed to consider, that tho’ THEY considered *Religion as a mere Engine of State*,
yet

FROM this account of the origin of a *Test-Law* may be deduced the following COROLLARIES concerning an *Establishment*. For,

1. FROM hence may be seen the Reason why the *Episcopal* is the *Established* Church, in ENGLAND; and the *Presbyterian*, the *Established* Church in SCOTLAND; and the equity of that CONVERSION; which our Adversaries have represented as so egregious an absurdity, in point of Right, that it is sufficient to discredit the reason of all *Establishments*.

2. HENCE too may be seen the truth of what was before observed, concerning the DURATION of this *Alliance*: That is is PERPETUAL, but NOT IRREVOCABLE, *i. e.* It subsists just so long as the Church, thereby *Established*, maintains its superiority of extent: Which when it loses to any considerable degree, the *Alliance* becomes void. For the united Church being then

yet that RELIGIONISTS thought otherwise, and esteemed it of divine Original; and that consequently, it was matter of CONSCIENCE to *Believers* to worship God according to that mode which they judged most acceptable to him. Now to restrain such in the exercise of what they deem their chief duty, is one of the greatest violations of the NATURAL RIGHTS of Mankind: Yet these two ingenious Men openly profess, nay boast, that the defence and preservation of THESE RIGHTS was their great and principal end of their learned labours.

no longer able to perform its Part of the Convention, which is formed on reciprocal conditions, the State becomes disengaged. And a NEW ALLIANCE is, of course, contracted with the now prevailing Church, for the Reasons which made the *Old*. Thus, formerly, the *Alliance* between the PAGAN CHURCH and the Empire of Rome was dissolved; and the CHRISTIAN established, in its Place: And, of late, the *Alliance* between the POPISH CHURCH and the Kingdom of England was broken; and another made with the PROTESTANT, in its stead.

II. If these different Religions spring up *after* the Alliance hath been formed; then, whenever they become considerable, a *Test-Law* is necessary, for the security of the *Established Church*. For amongst diversities of Religions, where every one thinks itself the *only true*, or, at least, the *most pure*, every one aims at rising on the ruins of the rest^e: which it calls, *bringing into Conformity* with itself. The Means of doing this when reason fails, which is rarely at

^e See an historical narration of the conduct of the early Puritans to make their Discipline national in spite of the Civil Magistrate, in a curious account printed 1593, and intitled, *Dangerous Positions and Proceedings published and practised within this Island of Brytaine, under pretence of Reformation and for the Presbiterial Discipline.*

hand, and more rarely heard when it is, will be by getting into the public Administration, and applying the Civil Power to the work. But, when one of these Religions is the *Established*, and the rest under a *Toleration*, then envy at the advantages of an *Establishment* will join the *Tolerated* Churches in confederacy against it, and unite them in one common quarrel to disturb its peace. In this imminent danger, the *Allied* Church calls upon the State, for the performance of its Contract; who thereupon gives her a TEST-LAW for her security: whereby an entrance into the Administration (the only way, the threatened mischief may be effected) is shut to all but Members of the *established* Church. So when the *Seſtaries*, in the Time of Charles the First, had, for want of this Law, overturned the *Church of England*; as soon as the Government was restored, and replaced on its old Foundations, the Legislature thought fit to make a *Test-Law*^f, (tho' with the latest; and, what was worse, with the narrowest Views) to prevent a Repetition of the like Disasters. A Law, on its first enacting, confessed, on all hands, so *equitable* as well as *expedient*, that the celebrated Lord Digby, then Earl of Bristol, eminent for his parts of speculation and business, tho' at that time a *Papist*, largely acknowledged the high

^f In 1671.

wisdom of it, by arguments of great weight and validity. When the Bill was first brought into the House of Lords, the noble Earl delivered his mind to this effect:—"He declared
"himself a Catholic of the *Church*, not of the
"Court, of Rome; and therefore spoke as a
"faithful member of a Protestant Parliament.
"The Bill, he observed was brought up from
"the House of Commons, the representatives
"of the People, and consequently the best
"judges of the temper of the Nation. A
"Bill as full of moderation towards Catholics,
"as of prudence and security towards the Reli-
"gion of the State: all the particulars of it being
"reduced to this one intent, NATURAL TO ALL
"SOCIETIES OF MEN, of hindering a lesser op-
"posite Party from growing too strong for the
"greater and more considerable one. And in this
"just way of prevention (says he) is not the mo-
"deration of the House of Commons to be ad-
"mired, that they have restrained it to this sole
"point of DEBARRING THEIR ADVERSARIES
"FROM OFFICES AND PLACES? However, the
"sentiments of a Catholic of the Church of Rome
"may oblige me upon scruple of Conscience, in
"some particulars of this Bill to give my nega-
"tive to it, when it comes to passing; yet as a
"Member of a Protestant Parliament my advice
"prudentially cannot but go along with the
"main scope of it."

THUS.

THUS a TEST-LAW took its birth; whether *at*, or *after* the time of *Alliance*. And from this moment the justice and equity of an ESTABLISHED CHURCH began to be called in question. It will be therefore proper, in the next Place, to shew that the State is under the highest obligations to provide the Church with this security.

C H A P. II.

Of the Necessity and Equity of a Test-Law.

WE have now proved the Equity and Necessity of the *Alliance between Church and State*; and have therefore a right to use it as a *Principle*, in our further inquiry.

I. BY this *Alliance*, the State promised to protect the Church, and to secure it from the injuries and insults of its enemies. An attempt, in the members of any other Church, to get into the Administration, in order to deprive the Established Church of the covenanted rights which it enjoys, either by sharing those advantages with it, or by drawing them from it, is highly injurious. And we have shewn, that where there are diversities of Religions, this attempt will be always making: The State then must defeat that attempt: But there is no other

Way of doing it, than by hindering its Enemies from entering into the Administration: But they can be hindered only by a TEST-LAW.

II. AGAIN, this promise of Protection is of such a nature as is, on no pretence, to be dispensed with. For, Protection was not only a condition of Alliance, but, on the Church's part, the *sole* condition of it. We have shewn, that all other benefits and advantages are *foreign* to a Church, *as such*, and *improper* for it. Now the not performing the *sole condition* of a Convention virtually destroys and dissolves it: Especially if we consider that this sole condition is both *necessary* and *just*: *Necessary*, as a free Convention must have mutual conditions; and, but for *this*, one Side would be without any: *Just*, as the Convention itself is founded on the Laws of Nature and Nations; and *this* the only condition which suits the Nature of a Church to demand or expect.

III. BUT again, the Church in order to enable the State to perform this *sole condition*, the affording of Protection, consented to give up its Supremacy, and Independency, to the Civil Sovereign. Whence it follows, that whenever the Enemies of the Established Church get into the Magistrature, to which, as we said, the Supremacy of the Church is transferred by the Alliance,

Alliance, she becomes a Prey, and lies entirely at their mercy: Being now, by the Loss of her Supremacy, in no condition for defence, as she was in her natural state, unprotected and independent. So that not to secure her by a *Test-Law* is betraying, and delivering her up bound, to her Enemies.

Thus it is seen what Obligation the State lies under, from Compact, of providing a *Test-Law* for the Security of the *Established Church*: And, by enforcing this obligation, from the last motive, we have obviated the only plausible objection that could be made to our Account of this *condition of Protection*: Which is, “That if an Union between Church and State be, as we have represented it, so necessary for the well being of Civil Society, how happened it, that that universal charity to Mankind, which is the Characteristic of true Religion, could not engage the Church to enter into Union, without standing upon terms of Advantage to itself: Especially such as necessarily introduce a *Test-Law*, so full of inconvenience to the Subject?”

THIS Objection, tho’ already obviated, shall be now considered more particularly.

I. We say, that Religion constituting a Political Society, and it being of the nature of

Political Society to seek support from Alliances, the Church was in a proper and reasonable pursuit, when it aimed at its own advantage in this Convention. 2. We say, that as Man, when he entered into Civil Society, necessarily parted from some of his natural rights, so the Church, when it entered into *Alliance* with the State, did the same. The right she departed from was her *Independency*; which she transferred to the Civil Sovereign: For no Alliance can be made between two such independent Societies, till *one* hath given up its *Independency* to the other; and this, the Law of Nations says shall be the less powerful Society: Which, in the present Case, is the Church. Now, as Man received an equivalent for the natural rights he gave up; so, in all reason, should the Church. 3. But lastly, we say, the Church could not enter into Alliance, and not stipulate for this condition, without concurring to its own destruction. It hath been shewn just before, that the *dependency* of the Church on the State necessarily follows an Alliance; and, in the preceding paragraph, that, where a Church, in this condition, hath Enemies in the Magistrature, and without Means of Defence in herself, she must expect the most fatal issue. Now the great Law of self-preservation obliges her to provide against them. But no other provision can be made than engaging the Protection of
the

the State. Therefore we conclude, that the Church's stipulating for that Protection was not only what she in justice *might*, but what in duty she was *obliged* to do.

HERE we might have concluded our Inquiry; having, in a continued Chain of Reasoning, drawn from the most simple Principles, explained the Original and Nature of Civil and Religious Society; and, from thence, deduced our main Conclusions, The NECESSITY OF AN ESTABLISHED CHURCH, and The JUSTICE AND EQUITY OF A TEST-LAW.

BUT, that nothing may be wanting to put so important a matter out of controversy,

II.

I PROCEED, in the next place, to shew, that had no promise of Protection been made, yet the State would have lain under the most indispensable necessity of providing a *Test-Law* for *its own* security. A celebrated Writer, who, as far as *Religion* hath to do with *Politics*, was no bad judge, either of its essential or accidental effects, speaking of a TEST-LAW scruples not to pronounce, “ That no man ought
“ to be trusted with any share of Power under
“ a Government, who must, to act consistently
U 4 “ with

“with himself, endeavour the destruction of
“that very Government^s.”

It hath been observed, that wherever there are diversities of Religion, each Sect, believing its own the true, strives to advance itself on the ruins of the rest. If this doth not succeed by force of argument, these Partisans are very apt to have recourse to the coactive power of the State : which is done by introducing a Party into the public Administration. And they have always had art enough to make the State believe, that its interests were much concerned in the success of their religious quarrels. What persecutions, rebellions, revolutions, loss of civil and religious Liberty, these intestine struggles between Sects have occasioned, is well known even to such as are least acquainted with the History of Mankind.

To prevent these mischiefs was (as we have shewn) one great motive for the State's seeking *Alliance* with the Church. For the obvious Remedy was to *Establish* one Church, and give a *free Toleration* to the rest. But if, in administering this Cure, the State should stop short, and not proceed to exclude the *tolerated*

§ Lord Bolingbroke's *Letter to Sir W. Windham.*

Religions

Religions from entering into the public Administration, such imperfect application of the remedy would infinitely heighten the distemper. For, before the *Alliance*, it was only a mistaken aim in propagating Truth, which occasioned these disorders: But now, the zeal for Opinions would be out of measure inflamed by envy and emulation; which the temporal advantages, enjoyed by the *Established Church*, exclusive of the rest, will always occasion. And what mischiefs this would produce, had every Sect a free entry into the Administration, the reader may easily conceive.

Now this being the inevitable fate of every Government where Religion is *established*, with diversity of Sects, and without a Test-Law; and an *Established Religion* being proved indispensably necessary to Society; we must conclude, that the State has the most pressing reasons to provide a Test-Law, as well for its own security, as for the discharge of its Contract with the Church^h.

IF

^h The equal conduct of the best and greatest of our Monarchs, in his very different stations of Prince of Orange, and King of England, will do great credit to this reasoning. When King James, a *Papist*, demanded of his son-in-Law, with whom he was then on good terms, his approbation of
a TOLERATION and ABOLITION OF THE TEST. The
Statholder

If it be said, That would Men content themselves, as, in reason, they ought, with enjoying their own Opinions, without obtruding them upon others, these evils, which require the remedy of a *Test-Law*, would never happen. This is very true: And so would Men but observe the Rule of Right in general, there would be no need to have recourse to Civil Society to rectify the evils of a state of Nature.

CHAPTER. III.

In which the Objections to the Equity and Expediency of a Test-Law are considered.

HAVING gone thus far, the Argument leads us to give some good account of the principal *Objections* against the EQUITY of a *Test-Law*: The Way being now cleared to a ready and satisfactory Answer.

I. THE first *Objection*, the sheet-anchor of the Cause, is this, “That every qualified Subject
“having a Right to a Share of the honours
“and profits in the disposal of the Magistrate,

Statholder readily concurred with the Scheme of a *Toleration*, but utterly condemned an *abolition of the Test*. When afterwards, he became King of a free People, the *Protestant Dissenters*, likewise, in their turn demanded both. His conduct was uniformly the same. He gave them a *Toleration*, but would not consent to abolish the *Test*.

“the

“ the debaring him from these advantages, for
“ matters of Opinion, is a violation of the com-
“ mon Rights of Subjects.” This goes directly
to the essentials; and attacks the very JUSTICE
and EQUITY of a *Test-Law*: The other Objec-
tions being only against the use and expediency
of it.

IF, then it can be shewn, that our Adversa-
ries have here taken for granted a thing, which,
tho’ by reason of mistaken notions of Govern-
ment, was never in dispute, is yet utterly false;
we shall quite overthrow all that ostentatious
Declamation by which they have endeavoured
to discredit a *Test-Law*. I say, therefore that this
pretended *Right of every qualified Subject to a
share of the honours and profits in the disposal of
the Supreme Magistrate* is altogether groundless
and visionary.

LET it be remembered, that, in the third
Chapter of the first Book, it hath been proved
at large, that REWARD IS NOT ONE OF THE
SANCTIONS OF CIVIL SOCIETY: The only claim
which Subjects have on the Magistrate, for Obe-
dience, being *Protection*.

Now the consequence of this is, that all
Places of honour and profit, in the Magistrate’s
disposal, are not there in the nature of a TRUST;

to be claimed, and equally shared by the Subject : But of the nature of PREROGATIVE ; which he may dispose of at pleasure, without being further accountable, than for having such Places *ably* supplied.

ALL Right of Claim then being absolutely at an end ; and consequently, all *injustice*, in excluding at pleasure ; we might here finish our discourse, having taken from our adversaries the great *Palladium* of their Cause.

BUT secondly, should we for argument's sake suppose, what is absolutely false, that the Subject had a *Right* ; yet still it will be found to be amongst those Rights, which are not *claimable*. For let it be again remembered, that in speaking of moral *Duties*, we observed, they were of two kinds, of *perfect* and *imperfect* obligation : And therefore answerable to these, must needs be the *Rights* arising from them. Those which arise from the Duties of perfect Obligation being *claimable* ; and those from imperfect Obligation, not so. But an equal dispensation of public honours and profits can never be thought other than in the class of Duties of imperfect Obligation, such as, in private Men, *Gratitude*, *Hospitality*, *Charity* ; and consequently the Right to them cannot be *claimable*, even when abusively with-held.

BUT,

BUT, to leave nothing unanswered, let us, for a moment, wave these advantages; and, for argument-sake, as before, suppose this COMMON RIGHT OF SUBJECTS; and then the Proposition will come to this,

That to exclude a Citizen from his civil Rights, for matters of Opinion, is a violation of the common Rights of Subjects.

THIS Proposition, we see, is founded on these two others, 1. *That Opinions cannot be punished, because punishment can be inflicted only for matters in which the Will is concerned, and the Will is not concerned in matters of Opinion.* 2. *If Opinions could be punished, they are not within the civil Magistrate's jurisdiction; his care extending only to Bodies.* Now if it can be made appear that these two latter Propositions give no support to the former, we must conclude that the *Objection* is, even in this sense, vain and groundless.

To the first Proposition I reply, that it is indeed universally true; but not at all to the purpose: the disqualification, by a Test-Law, being NO PUNISHMENT in the true Sense of the Word, which is that implied in the Proposition. To the second, I say, that it is not universally true: For that when Opinions do, directly and necessarily, affect the peace of Society, they then come within the Magistrate's jurisdiction; and

and that this exception takes place in the Case before us; the Opinions, which a Test-Law makes matter of disqualification, directly and necessarily affecting the peace of Civil Society.

I. THE first assertion is thus proved; evil of all kinds, and whence-soever proceeding, Man hath, by Nature, a right to repel. Evil which proceeds not from the Will is called a *Mischief*; and may be simply repelled; and this repulsion is called RESTRAINT: evil which proceeds from the Will is called a *Crime*; and may, not only, be repelled, but have additional pain, more than sufficient for the restraint, inflicted on the author; and this repulsion is properly called PUNISHMENT. That punishment should not be inflicted for a mischief, that is, for an evil in which the Will is not concerned, is plain from hence; The *end* of that additional pain, more than is sufficient for Restraint, called Punishment, being *a satisfaction to Justice, for the reformation of the Offender, and for example to deter others*; it would be absolutely unjust to inflict *avenging* pain for what was involuntarily committed: and altogether impertinent to attempt to deter, by *example*, from involuntary Actions. The utmost therefore that can be inflicted for a *Mischief* is *Restraint*; that is, just so much pain, when the mischief proceeds from a rational agent, as is necessary to repel that mischief.

mischief. Thus is *Restraint* properly annexed to *Mischief*; and *Punishment* to *Crimes*.

SUCH distinct and precise *moral modes*, one would think, it was not very easy to confound. And yet they have been confounded; so as utterly to embarrass all our reasonings on this subject. It is true, while they are considered in their application to irrational and rational agents, the difference is seldom mistaken; but when they are both applied to rational agents, then it is that Men begin to confound the ideas, and lose sight of all these marks of distinction. For 1. *Pain* being an inseparable *idea* in punishment; and every *restraint* of a rational agent having some degree of pain attending it; this idea common to both, led them to think the two terms, in each of which it was found, were synonymous. 2. *Restraint* of a rational agent being defined to be an infliction of *just so much* pain as is necessary to repel the evil, and *punishment* to be an infliction of *more* than is necessary for that purpose, Men considered the difference as only from less to more: and applying *this* to *mischiefs* and *crimes* set together in comparison, instead of applying it to *mischiefs* compared with *mischiefs*, and *crimes* with *crimes*, even this small difference was lost and confounded. Because, where the *mischief* is vastly more obstinate, and difficult to eradicate than the *crime*, there

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there the pain attending the mischief must be more and greater than that attending crime. The use and solidity of our distinction may be illustrated by this example. There are four Sects whose Principles, our adversaries will not deny, ought to be *restrained*. — The ATHEIST, the ENGLISH PAPIST, the GERMAN ANABAPTIST, and the QUAKER, all hold Opinions pernicious to Civil Society. But these having different degrees of malignity must have different degrees of restraint. The ATHEIST, who is incapable of giving security for his behaviour in Community, and whose Principles directly overthrow the very foundation on which it is built, should certainly be banished all Civil Government. The ENGLISH PAPIST, who owns a foreign ecclesiastical Power superior to all temporal Dominion, should not be tolerated in any Sovereign State. The GERMAN ANABAPTIST, who holds capital punishment to be sinful, should be debarred the Magistracy: And the QUAKER, who believes even defensive war to be unchristian, should be excluded, in States upon the Continent, the common liberty of residing in frontier Places. Now these different degrees of pain do not make one a *Punishment*, and the other, a *Restraint*; but, being every one proportioned to the malignity of their respective evils, and no more than what is just necessary
to

to repel them, they are all equally *mere Restraints*. But now extend these pains and penalties, to the burning of the Atheist; to the banishing of the Papist; to the denying of Civil Protection to the Anabaptist; and of Religious Toleration to the Quaker; and then, notwithstanding the same diversity of degrees, they are all *Punishments*, and none *mere Restraints*. Because more pain is, in every case, inflicted than is necessary to repel the respective Evils.

I HAVE only then to shew, that the pain inflicted by a Test-Law, is no more than just necessary to repel *the evil of diversity of Sects when got into the Administration*: and, consequently, that it is a *Restraint only*. To make this evident, let us suppose a Person able, in one certain Place only, to do mischief; and that he is disposed to do it: It is plain, there are no other means of repelling this evil than by debarring his entrance into *that* Place. These means then are necessary: But, what is necessary to repel an evil is a *Restraint only*. But were this pain extended; and, because the Person can do mischief in one Place, he is debarred entrance into ten, then the *pain* becomes a *punishment*, because more than necessary for repelling the evil. This is exactly the case in hand. Diversity of Sects can do mischief only by getting into the

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Administration: Therefore to keep them out, is, for the reasons above, only a *Restraint*. But, were their Civil Incapacity extended further, then it would become a *Punishment*. By the Test-Law, it is not extended further; therefore it is no punishment, but a restraint only.

HAD the force of this reasoning been duly considered, it might, I apprehend, have soon decided a late famous question, yet, it seems, undetermined.

By the custom or constitution of one of our great incorporated Bodies, some or other of its Members are annually called upon to discharge a very important, though very onerous Office. Now, if such a one happens to be a *Separatist* he takes the advantage of the *Test-Law*, which, under great penalties, forbids his entrance on this office, till he has given certain marks of his conformity to the established Worship; to give which, he makes matter of Conscience; and from which, he is at liberty to dissent by the Act of *Toleration*. This renders him incapable of serving. But it having been long the Custom for members, thus appointed, to this important service, to purchase, of the Body, an exemption, at a large price, by way of fine, it was thought reasonable to demand it of the *Non-conformist* who cannot serve, as well as of the *Conformist*, who will not. And when it was urged, that this

Fine

Fine could only be equitably inflicted on those who willingly declined a permitted Office; not on those, upon whom the Law had laid an embargo, to stop their entrance into it; it was thought sufficient to reply, "That the Law, of which the *Non-conformist* would thus avail himself, was never intended for his advantage or emolument; for which, it would be frequently brought to serve, if this plea were admitted." The question therefore to be decided was this, "Whether he who *cannot* serve, is by Law, equally obnoxious to the Fine, with him who *will not*?"

Now, I humbly conceive that this Question can be then only resolved with justice and precision, when the TRUE NATURE of a *Test-Law* has been previously settled. I have laid down the principles which lead to it; and on them I argue thusⁱ;

WERE this Law ordained to *draw* or to *drive* Dissenters into the National Church, the prohibition from entering on certain civil Offices was without doubt intended for a PUNISHMENT. But if the Law were ordained, only to keep Dissenters out of those Stations in the *State*, in which, by injuring the Establishment, they

ⁱ The following argument was first printed in the Spring of the Year 1762.

would violate the Peace of Society, then certainly the prohibition was intended for a RESTRAINT only; and becomes a *Punishment* but by accident.

Now, were it intended for a PUNISHMENT, the customary *Fine*, on those who do not serve, would be most LEGAL: and, in such case, the reasoning of the Body against the non-complying Members, “that the Legislature, by this Law, never intended the Dissenter should receive civil benefit or emolument,” will not be without its force; for a *benefit* defeats the end of *such a Law*. But if the *Test* impose a RESTRAINT only, and it become a *punishment* but by accident, it may, without the least evil influence on that Law, become a *benefit* likewise by accident. Nay, to hinder this fair chance would be cruel and unjust: for if, by the inevitable condition of human things, Particulars receive *damage* by a Law which respects the General; and which never had such damage in its intention; it is but fit, they should have the like chance of a *benefit*, tho’ equally without the intention of the Legislature.

INDEED, where the unprovided for, or unthought of, Consequence tends naturally to defeat the purpose of the Law, there the authorised Interpreters of it will interpose, and declare the

the advantage taken to be against the Law; or, which amounts to the same thing, unsupported by it. But an accidental *benefit* which arises from a simple restraint, seems better calculated to effect the end of the Test-Law than a *damage*; since the first tends to keep the enemies of the Church from office in the State; the second is a temptation to them to get in, by the violation of conscience. The *benefit* is indeed liable to abuse, (and what is there in civil matters which is not?) yet this abuse does not affect the purpose of the Law, which is to keep Sectaries out of civil Offices.

BUT let it not be supposed that any thing here said in favour of the honest Sectarian Member, is meant to include the OCCASIONAL CONFORMIST. For if such a one can think, that he may, with his conscience unhurt, *conform* for the sake of *lucrative* employments, he should never be permitted, on pretence of Conscience, to plead the restrictive Law, in order to evade those which are *onerous*. And here let me further observe, That the *Dissenters* will not seem to be in the properest disposition to claim the advantage of the distinction here laid down in their favour, till they have a little reformed their ideas of a *Test-Law*. For they have generally, I think, in order to throw the greater odium on it, represented the embargo

which it lays upon them, as a thing inflicted for a PUNISHMENT. Now it hath been shewn, that if our Lawgivers intended a *punishment*, it would defeat their whole purpose to connive at its becoming an *accidental benefit*.

BUT now it appears, both from reason and fact, that the TEST is a *restrictive* and not a *penal Law* in the proper meaning of these terms. For,

1. IF a Law may be understood in two senses, one of which supports its equity, while the other betrays its injustice, Reason directs us to adopt the first. To *punish* Sectaries, in order to bring them over to the National Religion, is plainly iniquitous; but to *restrain* Sectaries from injuring the National Religion is evidently just. Therefore, had the intention of the Legislature in this case been doubtful, yet a *general Law of a free People* would admit of no other interpretation than this Latter.

2. BUT the intention of the Legislature is not doubtful. This reasoning is supported by Fact. When the Law was made, the national Church was thought to be in danger equally from *Protestant* and *Popish* Sectaries. In the early days indeed, of the established Church, the

the Government had endeavoured to bring both into submission to it, and many PENAL LAWS were enacted for this purpose. But by that time the *Test* became a Law, so visionary and unjust a project had been long in discredit: And Government was now content to confine its care to the *protection*, rather than to the *extension*, of the National Church. Had this latter point been their aim, it was to be effected only by a vigorous execution of the old *penal Laws* then, and still in being, tho' long kept dormant. The *Test* added no force to those, but on the contrary greatly relaxed their activity, by disposing Government to place their chief confidence, and seek their only remedy for disorders, in this new-made Law.

AND now the Reader may see the strength of that Objection made to the *Test-Law*, as at present enforced to affect the interests of Protestant Dissenters, *viz.* "That its original and direct intention was to oppose to the machinations of Popery; and therefore, that the other, being included only by accident, may very reasonably be overlooked." But if the idea here given of the *Test-Law* be right, it is apparent that the general, tho' perhaps not the immediate, purpose of the Legislature in framing it, was to provide, (and this, in behalf of the State) for the safety of the national Church, from what quarter soever the danger might arise. At one

season it might arise from *Popery*; at another, from *Puritanism*; but the various civil mischiefs, consequent on religious quarrels, were to be repelled as they sprung up with equal vigilance and vigour. But let no one imagine, that a *comparison of demerit* is here insinuated between Popery and Puritanism. As Religions, they are no more to be set together, in the opinion of an english Episcoparian, than a body irrecoverably corrupted, and one but slightly tainted. Yet with regard to the civil mischiefs which Religious rancour, when let loose, may occasion, we have constantly experienced, that the *sligheft* matters often produce as great, as the most *weighty*. And the Surplice and the Cross in baptism have set Fellow-Citizens against each other with as much inveterate hate, as the tyrannic claim of the Pope's Supremacy, or the idolatrous worship of deadmen deified. However, the nature and genius of the two Sects is sufficiently discriminated by Law, in *tolerating* the one, and only *conniving* at the other, under suspended penal-Statutes; but still on the same *civil principles*: these *sanguinary Laws*, as they are called, not being directed against the religious errors of the CHURCH, but the political usurpations of the COURT OF ROME; which when these Laws were made, excited men by papal edicts, to Parricide and Rebellion; and will not yet suffer its Subjects to give any reasonable Security to the *civil Sovereign*. For, with *religious errors, as*

such,

such, the State hath no concern: they are the *civil mischiefs* with which Civil Society hath to do; mischiefs arising from religious quarrels, where the two Parties are nearly equal in power (as, I suppose, protestant Sects, which differ only in smaller matters, would soon be, under a *toleration* without a *Test-Law*) and are set upon combating one another's ERRORS.

BUT let me not be misunderstood, as if from what hath been here said, in behalf of *Toleration*, I would insinuate, that this Law hath altered the nature of the crime going under the name of SCHISM; which is an unnecessary separation from the national Church; or because the Law hath taken away all civil punishment from Protestant Dissenters, some of whom may possibly so offend, that therefore *Schism* is become an innocent, and an empty name. And that the Law in favour of SCHISMATICS, like that in favour of WITCHES has dissipated only a frightful Fantom. It is true, that in both cases, the Legislature acted for the same general end, the *restraint of injustice*; but it was on very different Principles: In the first case, they took off civil punishment from a *real crime*, not cognizable by a human Judicatory: And in the latter, they removed an Opprobrium from the Statute-Book, which expressed a sanguinary resentment against an *imaginary one*.

SCHISM,

SCHISM, or a causeless separation of a member from the National Church, is a crime which, on all the principles of Law and Reason, deserves condign punishment. But of *Separation*, whether with or without cause, there is no adequate Judge, but that Power who is able to distinguish between a well, and an ill informed Conscience. Very justly therefore did this free Government remit the question to an omniscient Tribunal. But, in so doing, it did not mitigate, but, by its indulgence, rather aggravate the guilt, wherever it shall be found, hereafter, to exist. And how wisely so doubtful a point was remitted thither, we may, in part, see from the Answer of the *foreign Divines*, to whose judgment, at the beginning of our Reformation (when the quarrel between the Puritans and Churchmen, about habits and ceremonies, ran high) both Parties agreed to submit. Those prudent and honest men, when thus appealed unto, gave it as their deliberate Judgment, "THAT THE PURITANS OUGHT TO CONFORM, RATHER THAN MAKE A SCHISM; AND THAT THE CHURCH-MEN OUGHT TO INDULGE THE OTHERS' SCRUPLES, RATHER THAN HAZARD ONE." A wise Decision, and reaching much further, in religious matters, than to the single case, to which it was applied. But to return.

2. WE come now to our second Assertion, and say, that *it doth not hold universally true, that the Civil Magistrate hath nothing to do with Opinions*: For, that when they directly and necessarily affect the peace of Civil Society the coercion of them is in his Jurisdiction: And this even our Adversaries themselves confess. Which would they uniformly hold, we should take on their words, and proceed. But tho' they allow this Maxim in speculation, yet they can rarely be brought to see its justice or fitness in practice. Which would tempt one to think, that the evident mischiefs arising from some Opinions had forced this general confession from them, in spite of Principle; the prejudice of which returning in particular instances, drew them back into their old conclusion, That reason and truth were violated by the Magistrate's interfering. I will in charity rather suppose this to be the case, than that a spirit of licentiousness makes them retract in practice what they own in speculation; and shall therefore endeavour to convince them that this coercion, which all Parties agree to be necessary, is likewise reasonable and safe.

Not at present than to insist on the argument of its *justice*, drawn from its *necessity* alone, we say, that the final end of every rational Creature

ture is happiness : And that the immediate end of such as are destined to two separate states of existence, is the happiness of that State in which they are existing. Otherwise the good of the creature in that station would not have been consulted by its Creator. But as this cannot be said, it follows that whatever opposes the attainment of *that* happiness must be repelled ; otherwise the purpose of the Creator would be defeated. If this Creature, (e. g. Man) be not only destined to two different States, but composed of two different Natures, one of which is solely adapted to his present station, then the states must not only be separate, but different ; and so, consequently, must be the *happiness* attendant upon each. But if the happiness be different, so must the *means* of attaining it. Thus the means of attaining Man's happiness *here* is Civil Society ; the means of his happiness *hereafter* is Contemplation. If then Opinions, the result of contemplation, obstruct the efficacy of Civil Society, it follows, that they must be restrained. Accordingly, the ancient Masters of wisdom, who, from these considerations, taught, that Man was *born* for *Action*, not for *Contemplation*, universally concurred to establish it as a Maxim founded in the nature of things, *that Opinions should always give way to Civil Peace.*

AGAIN, if God destined Man to two such states of existence, in each of which the happiness

pineness of the existing state was to be his end, it is demonstrable, and almost self-evident, that he, at the same time, so disposed things, that the means of attaining the happiness of one state should not cross or obstruct the means of attaining the happiness of the other. From whence we must conclude, that where the supposed means of each, namely, *Opinions* and *Civil Peace*, do clash, there *one* of them is *not the true means* of happiness. But the means of attaining the happiness peculiar to that state in which the Man at present exists, being perfectly and infallibly known to Man; and the means of the happiness of his future existence, as far as relates to the discovery of unrevealed Truth, but very imperfectly known by him; it necessarily follows, that wherever Opinions clash with Civil Peace, those Opinions are no means of future happiness: Or, in other words, are either no Truths, or Truths of no importance.

Thus we have proved, that the Magistrate's Restraint of those Opinions which are mischievous to Civil Society, is both reasonable and safe. Desiring to be understood, when we speak here of a *Rational Creature*, to mean the Species; and when we speak of a *Civil Society*, to mean such as is formed on the principles of public Liberty and common rights of Subjects. For to unjust and unnatural Governments, the most momentous

mentous Truths will be mischievous and destructive: their end being private, not public Utility. It is never then, but where the Society stands on legitimate foundations, that its Peace is to be preferred to Opinions: And there, that preference will be always reasonable and just^k.

I SHALL now shew, that what a *Test-Law* restrains doth directly and necessarily affect the peace of Civil Society.

WHERE a determinate Principle of some certain Sect is particularly opposed to this or that fundamental Maxim or Usage of Society, the malignity is seen, and confessed on all hands. Thus, of those Opinions respectively held by the Atheist, the Papist, Anabaptist, and Quaker, mentioned above, there are few who see not their pernicious consequences; or will not own the *Restraint* of them to be necessary. But where a religious Principle opposes, not one certain maxim or usage, but the general constitution of Civil Society, the mischief of it is not so easily seen; and if it opposes, not so much the nature of Civil Society, considered alone, as when in Union with the Church, the mischief

^k See this further illustrated above, in the proof of the Proposition, *that Truth and Utility do necessarily coincide.*

will

will be less observed: But and if this be a Principle not peculiar to one Sect, but common to all, the mischief will be still less understood. This is the case with regard to the pernicious Principle thus restrained. It being, as we have observed, that which sets every Sect on attempting to establish itself on the ruins of all the rest.

HENCE it is that Men see the necessity, and seem to applaud the justice of Restraint, in the first case; and yet, in the other, cry out against the tyranny of subjecting Sects to civil incapacities, which hold no *peculiar Opinions* pernicious to the State. But they seem not to apprehend, that the first is not the only legitimate reason which may be urged for the equity of Restraint. For where is the difference, with regard to the State, between the Principle's being *peculiar* to one Sect, or *common* to all; between its injuriously affecting one certain maxim or usage, or the whole frame and composition of a State in Union with a Church; if so be the Restraint be common to all, as well as the Principle? Henceforth then we hope to hear no more of the injustice of civil incapacities on a Sect which holds nothing *peculiar*, that can injuriously affect the State.

HAVING now overturned the two Propositions, upon which this famous Objection stands,

it will give us no further trouble, but leave us at liberty to conclude, *That to abridge a Citizen of his Civil Rights for matters of Opinion which affect Society, is no violation of justice or natural equity.*

BUT if still, our Adversaries will persist in affirming a *Test* to be contrary to the LAW OF NATURE; one may safely undertake to vindicate it, even on that supposition; as having the universal practice of mankind on our side; who, for the sake of Civil Society, have ventured, in their municipal Laws to deviate from the Law of Nature: and this, with as universal approbation.

BUT, to avoid obscurity, it will be necessary to say, in what sense the *Law of Nature* is to be understood. For an illiterate tribe of Writers have, in this, as in most other matters, done their best to confound all ideas, and remove the marks and boundaries of Science: while they make the *Law of Nature*, as it respects Man alone, (for that we have only to do with) “to signify what right reason, taking in all circumstances, dictates, in every case, to be done.” Thus confounding the *Law of Nature* with *Civil*, and all other Laws. And in this sense, our inquiry into the agreement of a TEST with the *Law of Nature*, after a *Test*

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hath been proved just and reasonable on the Laws of Society, would be very impertinent. But, by the LAW OF NATURE, is here meant *that*, which all the best Writers on *natural* and *civil Laws*, thus define,—*What Reason prescribes, under the sole consideration of Men's Nature, and their mutual relations arising from thence, exclusive of all political or civil Combinations.* And in this sense, an inquiry concerning the conformity of a *Test-Law* to the Law of Nature, may be very proper.

We say then, that it is a practice as approved as it is universal, for States, in compliance to the necessities of Society, to form many of their municipal Laws in direct opposition to the Law of Nature. The writings of the civil Lawyers are full of these cases. I shall content myself with one or two. The case of that *Civil Acquisition* called PRESCRIPTION is very famous. This is, when a man, by enjoying for a certain time, without another's claim or opposition, the other's property, but possessed by him *bona fide*, acquires a full Right in it; in such sort, that the true Proprietor has no longer any civil action for the recovery of it. Now this most Writers agree hath its sole foundation in the *Civil Law*. The incomparable Cujacius says expressly, *That the Law of Prescription directly*

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contradicts

*contradicts the Law of Nature and Nations, because the true Proprietor is dispossessed of his own, without his consent*¹. And indeed nothing is more evident. For what I once had, I must ever have a Right to; till I resign, transfer, or forfeit it by a voluntary act. What then was it which occasioned this general deviation from the Law of Nature but the public good? It is of the highest concernment to the State that particulars be secure in their Possessions without Contest. But there can be no security, if the natural Proprietor hath, for all time coming, the liberty to reclaim his right. This would obstruct Commerce and discourage intercourse amongst Citizens. For who would lay out for Property, if, for ever after, old Claims might be revived? In a word, the LAW OF PRESCRIPTION is so evidently against the *Law of Nature*,

¹ Rursus dixerit aliquis, Usucapionem pugnare cum jure gentium, quod ea Dominium invito auferat. Est sane ita: pugnat enim hac in re jus civile cum naturali æquitate, sed tamen hoc fit bono publico. Ait Caius, BONO PUBLICO USUCAPIO INTRODUCTA EST. *Comment. in Pandect. Tit. De Usurpationibus & Usucapionibus.*—Caius said this on good Authority: for the *Laws of the twelve tables* give PRESCRIPTION no force in contests between the Subjects of one State and the Subjects of another; but leave them to the decision of the *Law of Nature*. ADVERSUS HOSTEM ÆTERNA AUTHORITAS ESTO, say the *twelve tables*; which Cicero explains, “HOSTIS enim apud Majores nostros is dicebatur qui nunc PEREGRINUM dicimus.”

that those who deny this Disagreement, are forced to have recourse to that ridiculous signification of the *Law of Nature* taken notice of above. For they say, *Prescription is not against the Law of Nature, because this Law orders, in every thing, what Reason says (all circumstances taken in) is fit to be done.* Now which way soever the Law of Prescription be defended, Whether by owning it to be against the Law of Nature, and justifying the Deviation from it, by public Utility; or by denying it to be against that Law, as here absurdly interpreted; the defence will serve equally for a *Test-Law*, though we should concede to the objection, that it is against the Law of Nature; which we do not, having largely proved that it is perfectly agreeable to that Law in its true and proper Signification.

ANOTHER instance may be given of this Practice in States, *pro bono publico*, which is more easily understood. When Man entered into Society; and *Property*, in consequence thereof, was thoroughly regulated and established, several things were left out in that general Appropriation; and still continued to become, as in the State of Nature, the Acquisition of the first Occupant. Amongst these were what the Lawyers call *FERÆ NATURÆ*. Yet, for all this, most States have concurred, against the

Law of Nature, to enact GAME LAWS; whereby the right of capture is forbidden to all but those, who, by description, are designed not to be included in the prohibition. And the reason of such Laws is evident: It was not at all for the *public Good* to suffer Peasants and Mechanics to neglect their occupations, and to run up and down the Woods and Forests, armed; which in time, through their idle habits, and domestic distresses, draws them on to Robbery and Brigandage: Nor to permit the populace, in Towns and Cities, to have, and carry *Arms* at their pleasure; which would give opportunity and encouragement to Sedition, and Comotions.

IN this instance we all confess the justice, and see the reasonableness of impinging on the Law of Nature. How happens it then, that those who own it here, will not own it in a *Test-Law*? Nothing sure, but this, RELIGION mixes itself in this latter affair; and the jealousies of its Encroachment (which preposterously increase as its influence upon us abates) will not give us leave to judge impartially. And the Truth is, *Parties* must have a Watchword to carry on their Business. There was a time, and that not long since past, when the Word was, THE DANGER OF THE CHURCH. This served tolerably, while *Religion* was seen to

to have an Influence ; but since a general spirit of Licence hath *possessed* us, it hath been thought proper to change the Cry ; and we now hear of nothing but the DANGER OF OUR CIVIL LIBERTIES.

HAVING now, as is presumed, entirely overturned this Bulwark of the Cause,

1. BY shewing that the Rights pretended to are merely imaginary ;
2. THAT if there be any such, it is no violation of the Law of Nature, to exclude a Citizen from them, on account of Opinions ;
3. THAT though it be a violation of that Law, yet still the Exclusion may be well justified on the universal practice of Society, arising from necessity.

Having, I say, done this, the remaining Objections, which conclude only against the EXPEDIENCY of a Test-Law, may be dispatched in much fewer Words.

II. THE next Objection then is, *That a Test-Law is injurious to TRUE RELIGION, by encouraging one Set of Opinions, and discouraging the rest ;*

which is clapping a false Bias on the Mind, that, in its search after Truth, ought to be left entirely free and disengaged. But it may be made appear, that a *Test* is so far from being injurious to *true Religion*, that it is, in the whole, highly serviceable to it.

LET us 1st, then examine how the *Discouragement* affects it. Now admitting the *tolerated Religion* to be the *true*; and that several of its Members, under the discouragement of a Test-Law, will for the sake of Civil Advantages leave it, and come over to the *established Religion*; we must yet conclude that, considering the smallness of the Discouragement, they who leave it on that account, and knowingly embrace a *false*, must be very profligate and abandoned. Such as must disgrace the true Religion while they continue of it, and otherwise highly prejudice it. Unless it be supposed to be more for the interests of true Religion to have large Crouds though of false and unworthy Members, than smaller numbers of sincere Professors. It is therefore highly for the interests of true Religion to have such a Touch-Stone, or Criterion, as the *Test*, to discriminate its sincere from its corrupt Adherents. Which, on this account, can no more be said to be injured by it, than Gold is by Fire, when, in trying the Ore, it reduces its Bulk, but increases its specificck

cifick Value. It is evident then, that this Objection cannot, with any shew of reason, be made by a Member of the *tolerated Religion*.

2. LET us next see how the *Encouragement* affects true Religion. Our argument now leads us to suppose the *Established* the *true*. On this Supposition, is it not for the benefit of Mankind in all his interests, that it should be supported by Civil Power? And can it be supported without a Test? But to wave that consideration, at present; It is owned, that as the Use of Religion arises from the real impression it hath upon the Mind, the bringing in Members, who make only an outward Profession, is injurious to Religion. However, none have Reason to make this Objection, but the Established Church. But considering the *Smallness* of the *Encouragement*, and the probability of the Conformity's being on conviction, (for the case supposes the *established* Religion, the *true*) we have no Reason to think this Injury can prove of moment. But be it as it will, Is it fit so great a benefit to Civil Society should be lost on account of a small and partial injury, it may accidentally occasion? It will be time enough to attend to an Answer, when our Adversaries bring us an instance of any one signal *benefit* to Mankind, in the improvement of
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Civil Life, which is not attended with some Inconvenience. Till then, we shall, perhaps, think ourselves at Liberty to support *this*, though it be not exempt from the common Lot to which all human things are subject.

BUT, 3. Admit some small casual *Harm* to be thus derived to Religion; it is not only abundantly compensated by those vast Advantages accruing to the State from thence, but likewise infinitely outweighed in the good done to Religion by *an Establishment*, on which a *Test* is built, and from which it necessarily flows. We have shewn, and it cannot be too oft repeated, that the State entered into Alliance with the Church, for the sake of public Utility: We have proved, and it cannot be too much inculcated, *that public Utility and Truth do coincide*: Hence it follows, that Falsehood, the reverse of Truth, must be destructive of public Good: And the consequence of this is, that the State must, for the sake of public Utility, seek Truth, and avoid Falshood: At the same time, as she so well knows in *what* public Utility (which is a sure rule and measure of Truth) consists, she will be much better enabled to find out Truth than any speculative Inquirer, with the boasted Aids of Philosophy and the Schools. From all this it appears, that while a State in Union with the Church, hath so great an interest and
concern

concern in true Religion, and so great a capacity for discovering what is true; *Religion* is likely to thrive much better than when left to itself: Which hath been more fully shewn in treating of the first Motive the State had to seek an Alliance with the Church.

IF it should be still urged, that though, indeed, true Religion be not injured by a TEST, yet private Men are, as having a *false Bias* clapped upon their Minds, which draws them, by hopes and fears, from the *true* to *false* Religion: It may be replied, That were the Rewards and Discouragements of a Test-Law so great as to make those who complied *not* with its Threats and Invitations uneasy in Civil Life, and, consequently, those who *did*, to fall through mere human frailty, the Objection would be plausible. But when these Rewards and Discouragements are so small as to tempt only the most profligate and abandoned, little injury is done: For what Pretence can such Men have of a right to be put under cover for every the slightest Temptation?

III. THE third Objection is, *That a Test-Law may endanger Religious Liberty.* For if, for the Good of the State, all, but those of the Established Religion, may be kept out of the Administration; then for the same Good, if Reasons of State so require,

quire, they may be restrained the Exercise of all but the Established Religion. And a Pretence will not be wanting; for it is certain that diversities of Sects oft produce the worst consequences to a State. To this it may be replied, 1. That tho' we have reasoned, from the good of Society, to prove the necessity of a Test, yet that was not till after we had shewn the justice of it from the clearest Principles of the Laws of Nature and Nations. But these Laws oppose the taking away Religious Liberty, that is, freedom to worship God according to one's own conscience, on any pretence whatsoever. 2. But we say further, that those very Principles of the Laws of Nature and Nations, laid down in the first Part, to prove the equity of an Established Religion and a Test-Law, and on which the whole Theory depends, do, in an invincible manner, establish the DIVINE DOCTRINE OF TOLERATION, or the Right of worshipping God according to every Man's own Conscience. So that this Theory is so far from giving any entrance (as the Objection supposes) to the infringement of Religious Liberty, that it lays the foundations of it on the only solid and impregnable Grounds. For on these two cardinal Principles on which, as on two hinges, the THEORY is raised and turns, namely, That the State hath only the care of Bodies, and the Church only the care of Souls; And that each Society is Sovereign, and independent

of the other, is clearly deduced the indefeasible Right of Religious Liberty. 3. But still further. An easy answer may be now given to the old Plea of *Necessity of Conformity, from the danger, to the State, of diversity of Religions*, hinted at in the Objection. For the mischief of that *Diversity* ariseth solely from the infringement of Religious Liberty. Do but once grant a Toleration, with the establishment of *one*, and an exclusion of all the *rest* from the public Administration, and the Evil vanishes, and *many* Religions become as harmless as *one*. It being only the tyrannic Usurpation of the Magistrate, upon the Rights of Religion, that made diversity of Opinions mischievous and malignant. 4. But lastly, we say, that, even on our Adversaries' supposition, the Objection has no force. For had a *Test-Law* been justified, by Arguments drawn solely from the Good of the State, yet this very Principle, if pursued, would be so far from endangering *Toleration*, that it would perfectly secure it. For to make Religion serviceable to the State, which is the great end of an *Establishment*, it must make a *real* Impression on the Mind; this is evident from what hath been observed in the first Book. Now Religion seldom or never makes a real Impression on the Mind of those who are forced into a Church; all that forcing to outward Conformity

formity can do, is to make Hypocrites and Atheists. Therefore, for the sake of the State, the profession of Religion should be free. Hence may be seen the strange Blindness of those Politicians, who expect to benefit the State by forcing to outward Conformity: which, making Men irreligious, destroys the sole means a Church hath of serving the State. But here, by a common fate of Politicians, they fell from one Blunder to another. For having first, in a tyrannical adherence to their own scheme of Policy, or superstitious Fondness to their own scheme of Worship, infringed upon Religious Liberty; and then beginning to find, that diversity of Sects was hurtful to the State; as it always will be, while the Rights of Religion are violated; instead of repairing the mistake, and restoring Religious Liberty; which would have stifled the pullulating evil in the Seed, by affording it no further nourishment; they took the other Course; and endeavoured, by a *thorough Discipline of Conformity*, violently to rend it away; and, with it, they rooted up and destroyed all that good to Society which so naturally springs from Religion, when it has taken a real hold.

IV. THE last Objection is, *That a Test-Law is the novel Invention of a bigotted and barbarous Gothic Policy: Unknowm to the polite and happy ages*

ages of Greece and Rome, when Civil and Religious Liberty flourished beyond compare. So near as I now am to the conclusion of this Discourse, it would stay me too long to detect our Adversaries' gross ignorance concerning the condition of Religious Liberty in the ancient world^m: Upon which errors the Objection is built. It shall suffice, at present, to tell them, they are mistaken in their Fact. These happy People had, like us, their ESTABLISHMENTS and TEST-LAWS. Tho' perhaps it may surprise them, we cannot forbear to tell them, that even *Athens*, their *Athens*, so flourishing and free, had, in its best times, a *Test-Law* to secure the *Established Religion*. A Test which was exacted of all their youth. For, *Athens* being a Democracy, every Citizen had a constant share in the Administration. And a Test it was of the strongest kind, even an Oath. A copy of which is preserved by *Stobæus*ⁿ, who transcribed this curious Frag-

^m See the Div. Leg. of Moses, Book II. § 1, 5, and 6.

ⁿ Οὐ καλαιοχυνῶ ὄπλα τὰ ἱερὰ, εἴδ' ἐκκαλαλείψω τὸν παραστᾶτην, ὅπως αὖ σοιχῆσω. ΑΜΥΝΩ ΔΕ ΥΠΕΡ ΙΕΡΩΝ, καὶ ὑπὲρ ὁσίων, καὶ μόνῳ, καὶ μετὰ πολλῶν. τὴν παλῖδα δὲ ἐκ ἐλάσσω παραδώσω, πλείω δὲ καὶ ἀρείω, ὅσῃν αὖ παραδέξομαι. καὶ εὐηκοήσω τῶν αἰεὶ κρηνόντων ἐμφρόνως, καὶ τοῖς δεσμοῖς τοῖς ἰδρυμένοις πείσομαι, καὶ εἰς τινὰς αὖ ἄλλους τὰ πλῆθ' ἰδρύσῃται ὁμοφρόνως. καὶ αἰν τις ἀναιρῇ τὰς δεσμὰς ἢ μὴ πείθῃται, ἐκ ἐπιγρέψω, ἀμυνῶ δὲ καὶ μόνῳ, καὶ μετὰ πάντων. καὶ ΙΕΡΑ ΤΑ ΠΑΤΡΙΑ ΤΙΜΗΣΩ· ἴσους Διοὶ τέτων. Joan. Stobæi de Repub. Serm. xli. p. 243. Edit. Lugdun. 1608.

ment from the writings of the *Pythagoreans*, the great School of ancient Politics°. It is conceived in these words: “I will not dishonour
 “the sacred Arms, nor desert my Comrade in
 “Battle: I will DEFEND AND PROTECT MY
 “COUNTRY AND MY RELIGION, whether alone,
 “or in conjunction with others: I will not
 “leave the Public in a worse condition
 “than I found it, but in a better: I will
 “be always ready to obey the supreme Magistrate, with prudence; and to submit to the
 “established Laws, and to all such as shall be
 “hereafter established by full consent of the
 “People: And I will never connive at any
 “other who shall presume to despise or disobey
 “them; but will avenge all such attempts on
 “the sanctity of the Republic, either alone, or
 “in conjunction with the People: And lastly,
 “I WILL CONFORM TO THE NATIONAL RELIGION. So help me those Gods who are the
 “avengers of Perjury.”

HERE we see, that after every Man had sworn, *I will defend and protect the Religion of my Country*, in consequence of the obligation the State lies under to protect the *established Worship*, he concludes, *I will conform to it*: The directest and strongest of all *Tests*. But a

° See *The Div. Leg.* p. 362, to 381. 3d Edit.

Test of Conformity to the established Worship was not only required of those who bore a share in the Civil Administration, but of those too who were chosen to preside in their Religious Rites. *Demosthenes* has recorded the Oath which the Priestesses of *Bacchus*, called *Γεραίραι*, took on entering into their Office. “ I observe
 “ a Religious Chastity, and am clean and pure
 “ from all other Defilements, and from Conver-
 “ sation with Man : AND I CELEBRATE THE
 “ THEOINIA AND IOBACCHIA TO BACCHUS AC-
 “ CORDING TO THE ESTABLISHED RITES, AND
 “ AT THE PROPER TIMES ^{P.}”

So that those, with whom the authority of the WISE ANCIENTS have so much weight, will, we hope, from this example in the wisest of them, begin to entertain a better opinion of a *Test-Law*, and of a Religion so *established*.

BUT a stronger evidence of the indispensable necessity of these Things, for the support and security of Government, can hardly be given, than in the example of the famous *William Penn*, one, who by his Principles was most averse to it, who strove most to avoid it, and yet is forced

Ρ Ἀγιστεύω, καὶ εἰμὶ καθαρά, καὶ αἴτῃ ἀπὸ τῶν ἄλλων ἐκκαθαρευούσων, καὶ ἀπὸ ἀνδρὸς συνουσίας, καὶ τὰ Θεοῖνια, καὶ Ἰοβακχεῖα γεραίρω τῷ Διόνυσῳ ΚΑΤΑ ΤΑ ΠΑΤΡΙΑ, καὶ ἐν τοῖς καθήκεσι χρόνοις. *Orat. Cont. Neæram.*

to have recourse to it. We have seen before, how the same Man, as *Head of a Sect*, had, by a Side-wind, introduced SOCIETY into Religion. We shall now see that, when become a *Law-giver*, he found an equal necessity of having that Society ESTABLISHED, and securing his Establishment by a *Test-Law*. In his *Frame of Government for the Province of Pensilvania in America*, we have amongst his *fundamental Constitutions* these following; “ That all Persons
“ living in this Province, who confess and acknowledge the one almighty and eternal God
“ to be the Creator, Upholder, and Ruler of the World, shall in no wise be molested or
“ prejudiced for their Religious Persuasion or Practice in matters of Faith and Worship.” And, “ That all Treasurers, Judges, Masters
“ of the Rolls, Sheriffs, Justices of the Peace, and other Officers and Persons whatsoever relating to Courts or Trials of Causes, or any
“ other Service in the Government; and all Members elected to serve in Provincial Council, and General Assembly, and all that have
“ right to elect such Members, shall be such as profess Faith in Jesus Christ.”

By these Laws an *established Religion* is first of all constituted, which is the Christian: And, secondly, a *Test*, which excludes all, but such, from a share in the Administration, even the remotest

remotest share, as electing Representatives to serve in provincial Council and general Assembly. And all this, in as good legal Form as the PRIEST himself could wish: only (as arising from a necessity not to be gloried in) a little disguised in the expression, by the use of *affirmative* rather than *negative* Terms. As to the large and extensive conditions of this *Establishment* and *Test*, that is another question. What these CONSTITUTIONS are here cited for is to shew the necessity of the things themselves.

I HAVE but one further Observation to make, before I end this Chapter: It is, that the grand and palmary argument against a *Test* concludes, with equal strength, against an *Establishment*: Unless, perhaps, our Adversaries have discovered, that the Clergy are to have no share with the Laity, in the *common Rights of Subjects*. For it hath been shewn above, that one of the essential Privileges of an *established* Church is a public maintenance for its Clergy, given by the State, in reward for their Services in teaching the People virtue and obedience. Now as the Ministers of all the tolerated Churches do, or profess to do, the same; they seem to have something a better pretence to a Share in these places of profit, possessed by the endowed Clergy, than their Lay-bretheren have to what

the Laity of the established Church hold from them. At least it must be said, that the *injustice* of debarring either, for matters of Opinion, is equal. I make no question but those, with whom we have to do, like their *Principle* the better for this generous and impartial consequence. But it is not their Approbation I am so much concerned to procure. I now address myself to the lovers of their Country under the present constitution of Church and State. I would shew them, in what our Adversaries' principles necessarily terminate; *a total Subversion of all established Religion*. For this last claim puts an end to it at once. And shall we believe it will not be made whenever the other is obtained? Are not the Ministers of the tolerated Sects amongst the first, to push on this demand of the *common Rights of Subjects*? Have they less regard to their own Advantage than to that of their Flock? Or are they, good Men, persuaded, that these *common Rights* extend not to Churchmen?

HOWEVER, the State, we may be sure, will be impartial in its justice. So that when once we see Sectaries of all kinds supply the Civil Administration; the next place to look for them is in the Pulpit and the Stall.

C H A P. IV.

Of the mistaken Principles on which Writers on this Subject have hitherto proceeded; the Mischiefs and Absurdities that followed them; and the Remedies which the Principles here laid down are able to supply.

I HAVE now, at length, and I hope to the Reader's satisfaction, performed what I undertook; which was, *to demonstrate the Equity and Necessity of an established Religion and a Test-Law on the Principles of the Law of Nature and Nations.* It only remains to shew, (as I promised in the beginning of this discourse) what FALSE PRINCIPLE it was which, embraced in common, hath misled both Parties: And brought one to conclude that an *Established Religion* was of divine Right; and the other, that a *Test-Law* was a violation of all human ones. For, as the excellent *Hooker* says, “a common
“received Error is never utterly overthrowne,
“till such time as we go from Signes to Causes,
“and shew some manifest Root or Fountaine
“thereof common unto all, whereby it may
“clearly appeare how it hath come to passe
“that so many have beene overseene.” By this, likewise, we shall add new strength to our Conclusions, (as it will afford us a view of
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the defects in the other Scheme of defence) and remove any remaining doubts that may have arisen from the Authority of great names against us.

WHEN a love for Truth, my sole Motive to this Inquiry, had engaged me in an examination of the nature and end of an *Established Religion and a Test-Law*; and that I had laid down unquestioned Principles, and drawn Conclusions from them, as I thought, demonstrative; I was yet not a little staggered to find that some great Names, (to whom, as Writers, we owe the highest regard) had, from the very same Principles, deduced the very contrary Conclusions. This then was to be accounted for, if I expected my Argument should have a fair hearing. And, on reflection, I supposed that the Error, which seduced them, might be this; The Defenders of an *Established Religion* have all along gone on to support it on the Motives of TRUTH, and not of UTILITY. That is, that Religion was to be *established* and protected AS IT WAS THE TRUE RELIGION: not for the sake of its CIVIL UTILITY; which is the great PRINCIPLE OF THIS THEORY. For that notion which, *Grotius* tells us, some Churches on the Continent had of Civil Society, seems to have been entertained by the defenders of *our* Establishment. — “ *Alii diversas [Religiones]*
“ *minus*

“ minus tolerant; quippe non in hoc tantum
 “ ordinatas a Deo Civitates ac Magistratus dic-
 “ tantes, ut a Corporibus & Possessionibus injuriæ
 “ abessent, sed ut, quo more ipse jussisset, eo in
 “ commune coleretur; cujus Officii Negligentes
 “ multos poenam aliorum impietati debitam in se
 “ accersisse.”

Now, unluckily for Truth, the best Writers on the other side took this mistaken Principle for granted; imagining there could be no other possible Cause assigned for *established* Religion: And, at the same time, finding *this* full, both of Absurdity and Mischief, too hastily concluded an *established Religion* secured by a *Test-Law* to be a violation of the Rights of Nature and Nations.

BUT let us take a short view of the Absurdities and Mischiefs that arise from the Hypothesis which builds an *established Religion* and a *Test-Law* on a principle of *Religious Truth*, and not of *Civil Utility*.

IF Religion is to be established and protected by a *Test-Law*, only because it is the *true Religion*, then Opinions are encouraged as Opinions; that is, as *Truths*, not as *Utilities*; and discouraged as Opinions; that is, as *Errors*,

not as *Mischiefs*. See then what follows, both with regard to an *Establishment* and a *Test*.

I. An *Establishment* is unjust, 1. Because the Civil Magistrate as such hath no right to determine, which is the true Religion; this power not being given him, (as we have shewn) on Man's entering into Society. Nor could it be given him; because one Man cannot empower another to determine for him in matters of Religion. Therefore he not being judge, and there being no other to be found with Authority to arbitrate between him and the several schemes of Religion, he hath no right to establish his own. Again, it is *unjust*, because, were the Magistrate a competent Judge of what was *true Religion*, he would have yet no right to reward its Followers, or discourage its Opposers; because, as hath been shewn, matters of Opinion belong not to his Jurisdiction. He being, as St. Peter^a tells us, "sent by God for the
 " Punishment of EVIL DOERS, and for the Praise
 " of them that DO WELL." 2. An *Establishment* is absurd: It being impossible that the end of it should be attained. This End is the protection and support of *true Religion*. But the Civil Magistrate, who is to establish it, assuming to himself the sole Authority of judging

^a 1 Ep. ii. 14.

which

which is so, must necessarily conclude in favour of his own; so that the *established Religion*, all the World over, will be the Magistrate's: that is, for one place where the *true Religion* is established, the *false* will be established in a thousand. And whether this be for the interest of *true Religion*, let the maintainers of this Hypothesis consider. I will only observe, that, as the Civil Magistrate had neither by Nature, nor by the Law of God, this Jurisdiction; so it is impossible he should have it; because the very Exercise of it would destroy the end for which it is supposed to be given.

II. I MIGHT shew, in the next place, that this Hypothesis takes away all the *Reason* on which the mutual grants and privileges of Church and State, consequent on an Alliance, are founded: Which must all, therefore, cease: such, for instance, as *the Clergy's Right to a public Maintenance*: which, now, being for the support of Opinions, would be contrary to the fundamental laws of Society, by making men contribute to the maintenance of Opinions which they reject and think false. And so of the rest. But why do we talk of mutual Grants and Privileges, or stated Conditions of Alliance, When,

III. THIS scheme of an Establishment, not making the Alliance between Church and State,

on a free Convention ; but appointing the State a kind of Executor of the Church's decrees, the *Alliance* can have no stated laws or conditions of Union : On the contrary, the privileges of each Society must be perpetually fluctuating and various ; having no other grounds than the unsettled Notions men chance to embrace concerning the extent of that support and protection which the State is obliged to bestow ; and notions directed by no rule will never be adapted to the public good. Thus all fixed and precise ideas of an *Establishment* being confounded, ill-designing Men have a handle to make it what they please. Which, in fact, we find they have done, to the infinite damage of Society, in most places, where this Notion of its original hath prevailed. So that, instead of this peaceable Union so beneficent to Civil Society, (the fruits of a *free Convention*, under the stated and well known conditions, mutually given and received) we see nothing but violent and continued struggles between the two SOCIETIES, for power and independency.

IV. A *Test-Law*, on this scheme, will be absolutely UNJUST. For now Opinions being restrained as *Errors*, not as *Mischiefs*—*Restraint* converts into *Punishment*. For the design of a Test is now, not to keep Men of other Religions out of the *Civil Administration*, but to bring

bring them in to the *established Church*. And its discouragements are those WHOLESOME SEVERITIES so warmly recommended, to reduce men from the *false* to the *true* Religion. Where if the first dose do not succeed, it must be repeated and enlarged till it does. This is *Punishment*, properly so called; and Punishment, for what is no act of the Will, we have shewn to be unjust. But were Opinions, as such, liable to punishment, the Civil Magistrate could not inflict it; because his jurisdiction extends only to the care of Bodies. Further, this is depriving Men of their civil Rights for matters of Opinion, as such; but this, we have shewn to be against the Law of Nature. On all these accounts, a Test-Law would be unjust.

V. AGAIN, a *Test-Law* on this scheme would be most *mischievous*, as directly tending to the destruction of Religious Liberty. For the end being to reduce men from the false, to the true Religion, the severities, as we say, must be increased till they have strength to operate effectually. And there is no stopping short, without exposing the Scheme to the greatest absurdities. Therefore, the more ingenuous defenders of a *Test*, on this scheme, are those who regard a Toleration, not as a right of Nature due to mankind, but as a Concession which the necessities of the times extorted. For it is certain

tain that *Toleration* and *such a Test* can no more stand together on common principles, than Liberty and Persecution.

THIS is but a very short hint of the sad consequences which attend an established Religion and a Test-Law on the common Hypothesis; but enough to evince the following Conclusions:

I. FIRST, that those great defenders of *Civil* and *Religious* Liberties whose projects are here opposed, must needs think hardly of an established Religion raised on that Hypothesis; which so directly tends to the destruction of both.

II. SECONDLY, that the Arguments employed in their various Writings, against such Establishments, do not at all effect or reach an established Religion and a Test-Law founded on this Theory. For that,

III. THIRDLY, on comparison, it appears, that *this* removes and keeps clear of all those monstrous mischiefs and absurdities with which the other Scheme abounds: As shewing the Magistrate's act in the *Alliance* to be reasonable, just, and necessary: As stating and fixing the mutual *Conditions* of the Alliance with the utmost precision and exactness: As proving the equity

equity and necessity of a *Test-Law*; and securing Religious Liberty by a free *Toleration*. And, to shew that nothing of advantage is wanting to make this Scheme preferred to the common one, it may be observed, in the last place, that an Establishment, made only on the motives of CIVIL UTILITY, secures that very end, which the other pretends solely to aim at in establishing a Church; and which yet, by pursuing in a visionary manner, it never attains: I mean, *the Advancement of Truth*. For if public Utility and Truth do coincide, then to provide for that Utility, is, at the same time, providing for Truth, its inseparable associate. On the whole then we see that, in this case, to aim at *Truth* is losing as well *that*, as Utility; but to aim at *Utility* is gaining both together.

I WILL conclude, in requesting my Reader to have this always in mind, THAT THE TRUE END FOR WHICH RELIGION IS ESTABLISHED IS, NOT TO PROVIDE FOR THE TRUE FAITH, BUT FOR CIVIL UTILITY, as the key to open to him the whole mystery of this Controversy; and the Clew to lead him safe through all the intricacies, and perplexities, in which it has been involved.

THE settling this matter on true foundations seems to be the only thing wanting to perfect
the

the felicity of the *British* Constitution. For while *Literary, Civil and Religious Liberty*, by occasionally undergoing a free scrutiny, have at length become generally understood; *this last remaining Question*, of so much importance, concerning an *established Religion*, hath been so little examined to the bottom, or the true Principles of it searched into, that the one party defended it on *such* as directly tend to overthrow every thing already settled in favour of Religious, and even Civil and Literary Liberty: And the *other* opposed it on *such* as must make all that Liberty, they themselves had been long contending for, and had at length obtained, degenerate into the worst Licentiousness. Now whether we have contributed any thing to facilitate the removal of this last Obstruction to a state of sober and perfect Liberty, is submitted to the judgment of the Public.

C H A P. V.

The Conclusion, in which the remaining Objections of both Parties are considered.

TH E wild *Indians*, amidst their uncultivated wastes, see the beauty and use of every thing around them; and are not such fools as to complain for want of better accommodations than what they find provided to their hands. Yet,
as

as important as this Truth is to them, they are little solicitous to enquire from whence all this order and harmony arises: They have received it from their Ancestors, that the Earth was supported on the back of a huge Tortoise; and they do not take it well to have their Tortoise disturbed or laughed at. The friends of our happy Establishment have, many of them, a little of this Indian taste.—In their fear of *shaking foundations* they are unwilling that the weight of the Constitution should be removed from the Tortoise of old Opinion, to rest upon a *Theory which they think does not exactly tally with fact, as few Theories do.*

THIS may be thought a notable objection. But on what mistaken Principle it stands, I shall now endeavour to shew. The word THEORY has been appropriated (as it were) to the explanation of a *natural System*. Now as such Theories are good only in proportion to their agreement with *Fact*; and as nature so much withdraws herself from our Inquiry; it is no wonder that it should have grown into an Observation, *that few Theories agree with Fact*; and that this should be esteemed, what it really is, an Objection to Theories of this Kind.

BUT our Theory is an explanation of an *artificial*, not a *natural System*: In which measures

very different from the latter are to be followed. For Truth being the end of all kinds of Theories, a right Theory of *Nature* is to be obtained only by pursuing Fact; for God is the Author of that System: But in a Theory of *Politics*, which is an *artificial* System, to follow Fact is no certain way to Truth, because Man is the Author of that System. Abstract ideas, and their general relations, are the guides to lead us into Truth; and *Fact* hath, with good reason, but a subsidiary use. As therefore the method to be pursued is different, so should the judgment be, which is passed upon it: The goodness of this Theory being estimated, not according to its agreement with *Fact*, but *right Reason*. In the former case, the Theory should be regulated by the Fact: In the latter, the Fact by the Theory.

BUT still, *Fact*, as we say, hath even here its subsidiary use. For as this Theory must be founded on the Principles of *right Reason* to render it *just*; so, to satisfy us that it is *real*, that it is *practicable*, and no fanciful Utopia, it must be supported by *Fact*: that is, it must be shewn that the Policy, explained and justified in the Theory, hath been practised to the common benefit of all. This is the use, and the only use, of consulting Fact in these kinds of Theories. And this, I presume, will be enough to recommend

mend the Theory of this ALLIANCE: Which was written with no other view, than to furnish every Lover of his Country with reasonable Principles, to oppose to the destructive fancies of the Enemies of our happy Establishment. Not to reform the fundamental Constitutions of the State; but to shew they needed no reforming: An attempt, I should think, neither irrational, nor unseasonable.

An example, used before, will illustrate what we have been now saying. The *Theory of Civil Society*, founded on the *original Compact*, when it was first urged against the Advocates for arbitrary Government, had the fortune to fall into ill hands, the Enemies of their Country; who inforced it, not to defend the liberties we enjoyed, but to alter the nature of the Constitution: The consequence was, that the Authors being justly obnoxious, the Principles were suspected, and then rejected. Afterwards they fell into more temperate hands; and being then employed to justify the Subjects' Rights under our limited Monarchy, they were in a little time generally received; and Men were brought to found their Liberties on those Principles; which Liberties, 'till then, they chose to claim on the precarious grants of ancient Monarchs, or the illiberal tenure of more ancient Custom.

As

As to our Adversaries, if they thought that the few cant terms of *Natural Rights, Civil Liberty, Priestcraft, and Persecution*, curiously varied by a Jargon of sophistical Logic, would be sufficient to undo what the wisdom of all Ages and People has concurred to *establisth*, many of them have lived to see themselves mistaken.

BUT if REASON be what they require; and that they think they have a right to expect a reason for every thing, we have here endeavoured to satisfy them. If they like, as it is probable they will, their own reasons better, it will then come to be a dispute about Taste. I have given them Corn. They chuse to stick by their Acorn-husks. Much good may do them.

NOTHING remains but to remove an Argument *ad invidiam*, the only Logic hitherto employed against this *Theory*, and which would persuade the Reader that it MAKES RELIGION A TOOL OF POLITICS. If by this they mean, that I believe there is a *Political use of Religion*, whereby it may be made to advance the good of Civil Society; and that therefore I have endeavoured to make this use of it, they do me no injustice. I not only believe so, but I have shewn^{*} that we have not a more illustrious in-

* See *The Divine Legation of Moses*. V. 1.

stance of the Wisdom and Goodness of God, than in his thus closely uniting our present and our future happiness. I believe what be BEST GOOD MAN of our Order was not ashamed to own before me. “A politique use of Religion (says he^s) there is. Men fearing God, are thereby a great deal more effectually than by positive Laws restrayned from doing Evil, inasmuch as those Laws have no further Power than over our outward Actions only, whereas unto Mens inward Cogitations, unto the private Intents and Motions of their Hearts, Religion serveth for a Bridle. What more savage, wilde, and cruell, then Man, if he see himselfe able, either by Fraude to over-reach, or by Power to overbeare, the Laws whereunto he should be subject? Wherefore in so great Boldness to offend, it behoveth that the World should be held in Awe, not by a vaine Surmise, but a true Apprehension of something, which no Man may thinke himselfe able to withstand. THIS IS THE POLITIQUE USE OF RELIGION.” Thus the admirable *Hooker*, where he takes notice how certain Atheists of his time, by observing this use of Religion, were fortified in their folly, in thinking it was invented by Statesmen to keep Men in awe. An idle vision, which I have so thoroughly

• *Ecl. Pol. B. V. Sect. 2.*

A a

confuted

confuted in another Place^u, that, I persuade myself, it shall, for the future, be only thought fit to go in rank with the Tales of Nurses, and the Dreams of Free-thinkers.

BUT if they mean, that I have endeavoured to make Religion a convenient Engine to ambitious and intriguing Politicians to work the Clergy, as the Tools of Power, in a separate Interest from the Community, this is a very gross Calumny. I have expressly declared, that where I speak of Religion's serving the State, I always mean, by the State, a *legitimate* Government, or Civil Policy founded on the natural Rights and Liberties of Mankind. And, so far is this plan of *Alliance* from contributing to those Mischiefs, that it effectually prevents them: And, what is more, is the only scheme of an ESTABLISHMENT which can prevent them.

To conclude all, We live in an Age when the Principles of Public Liberty are well understood: And, as corrupt as the Age is, we must needs imagine, there are many real lovers of their Country. But then a certain Licentiousness (which is the spirit of the times) is as fatally apt to delude honest Men in their ideas of

^u *Divine Leg. of Moses, B. III. Sect. 6.*

public Good, as to infect corrupt Men in their pursuit of private Satisfactions. Now, as such are always apt to embrace with warmth any project which hath the face of advancing Public interests, I do not wonder they should be drawn in, to think favourably of an Attempt which professes only to vindicate the COMMON RIGHTS OF SUBJECTS; or that they should be inclined to judge hardly of a Writer, who frankly opposes those pretentions. “Because (to use the words of the great Author last quoted”) “such
“as openly reprove supposed disorders of State,
“are taken for principal friends to the Common
“benefite of all; and for Men that carry singular freedome of mind. Under this fair and
“plausible colour, whatsoever they utter passeth for good and currant. That which
“wanteth in the waight of their speech, is supplied by the aptness of mens minds to accept and believe it. Whereas on the other
“side, if we maintaine things that are Establish-
“ed, we have to strive with a number of heavy
“prejudices, deeply rooted in the hearts of
“men, who think that herein we serve the
“time, and speak in favour of the present
“state, because thereby WE EITHER HOLD OR
“SEEK PREFERMENT.”

* *Hooker's Eccl. Pol. Lib. I. Sect. 1.*

POSTSCRIPT:

IN ANSWER TO

LORD BOLINGBROKE'S CAVILS

Against the SYSTEM of

The Alliance between Church and State.

LORD Bolingbroke, in his large posthumous Work (on what Motives, those Volumes sufficiently declare) hath laboured at a full and formal Confutation of the preceding Discourse; after having done the same Honour to another of the Author's Works, *The Divine Legation of Moses demonstrated*. But the Pains he had taken, and the Opposition he had found in the *Argument* of that Book, had, by the Time he came upon this second Adventure, so ruffled his Temper and discomposed his polite Manners, that he now breaks out into much opprobrious Language, not only against the System, but the Person of the Writer. To understand the Cause of his Lordship's Resentment, so far only as it arose from the Nature of my Discourse, it may not be improper to say a Word or two further

[A]

concerns

concerning the Occasion of my writing, and the Principles on which the Discourse is composed.

AFTER the many violent Convulsions our Country had suffered since the REFORMATION by the Rage of the religious Parties (in which, at one Time, Liberty of Conscience was oppressed; and at another, the Established Church overturned and desolated) it pleased Divine Providence to settle our religious Rights on such fundamental Principles of Justice and Equity, and to secure the Civil Peace on such Maxims of Wisdom and true Policy, as most effectually guarded Both, against the Return of their respective Violations: and the Means made use of were the giving, on proper Terms of Security to the national Religion, a free Toleration to those who dissented from the established Worship. This seemed to be going as far towards Perfection in religious Communion as the long distracted State of the Christian World would suffer us to indulge our Hopes.

BUT Men had not been long in Possession of this Blessing before they grew weary of it, and set on foot many Inventions, to throw us back into our old Disorders. For it is to be observed with Sorrow, that this Reform of the English Constitution happened not to be the good Work of the CHURCH, begun in the Conviction of TRUTH,

TRUTH, and carried on upon the Principles of Charity : but was rather owing to the Vigilance of the STATE ; at one Time, vainly perhaps, anxious for the Established Religion ^a, at another, wisely provident for the Support of Civil Liberty ^b. So that when succeeding Dissentions in Church and State had made this newly reformed Constitution the Subject of Enquiry, the Parties who managed the Debate being those who before had both persecuted and suffered in their Turns, the Principles and Tempers they brought with them to the Discussion of the Question, were not such perhaps as were best fitted either to regulate their Judgments, or to moderate their Partialities. *One* side seemed to regard the TOLERATION as an Evil in itself, and only a temporary Expedient to prevent a worse ; while their Conduct shewed, they lay at watch for the first Occasion to break in upon it. This was enough to mislead the *Other*, and dispose it to consider the TEST LAW, which covered and secured the Established Religion, as no better than a new Species of Persecution : and having now no real Injury to complain of, they began to take umbrage at this Shadow of a Grievance ; “ To have divine Worship really
 “ free, they said, no religious Profession should
 “ be attended with civil Incapacities : a TEST

^a *Ch. II.*^b *Will. III.*

“ had made that Distinction amongst God’s
 “ Worshippers; it was therefore to be set
 “ aside.” But every Man saw (and perhaps the
 Enemies of the *Test* were not amongst the last
 who saw it) that to set aside this Law, which,
 under a general *Toleration*, was the only Security
 the *established* Church had to trust to, was ex-
 posing the National Worship to all the Inroads
 of a Sectarian Rabble. This mischievous Pro-
 ject, arising out of abused Liberty, was at first
 entertained, as we may well suppose, by the to-
 lerated Churches only. Some of the more in-
 genuous of them adopted it out of *Fear*, on the
 Discovery of that bigotted Principle in their Ad-
 versaries, which considered *Toleration* as only a
 temporary Expedient. And where was the
 Wonder if those who believed, they had no Se-
 curity for what they had got, while such Prin-
 ciples prevailed, should endeavour to put it out
 of the Power of their Adversaries to do them
 Harm? Others of a more politic Turn cherish-
 ed it from views of Ambition, and in Hopes of
 sharing the Emoluments of the Established
 Church. It was some Time before any Member
 of the Church of England joined with Dissen-
 ters in their Clamours against a *Test Law*, or,
 more properly speaking, against *their own Estab-
 lishment*. This monstrous Coalition did not hap-
 pen till a warm Dispute on certain metaphysi-
 cal

cal Questions^c, (if considered in one Light, too sublime to become the Subject of human Wit; if in another, too trifling to gain the Attention of reasonable Men) had started new Scruples concerning Church-Subscription. And to get rid of this necessary ENGAGEMENT TO PEACE, and Acquiescence in the Established Religion, these *wise* and *faithful* Ministers of the National Worship were amongst the foremost to discredit it, and the busiest to trample down all its Fences and Securities.

BIGOTRY, you see, was at the Bottom of the first Set of Principles; and FANATICISM, at the Top of the other. In their separate Appeals to the Sense of Mankind, there was this remarkable Difference: All Ages had felt the Mischiefs of religious Restraint and Persecution; but there was no Example, either in Pagan or in Christian Times, of the Evils attending the WANT of an *established Religion*. The Fanatics therefore, were perpetually urging their Experience against Persecution, secure in not having the Argument retorted on them. But, in this imaginary Advantage they deceived themselves; and the very *Want* of Examples was the greatest real Advantage the Bigots had over them: Who if they had no Instance of the Evils attending the *Want* of an Establishment, to retort upon their Adversaries,

^c The Trinitarian Controversy.

it was because such *Want* was never known: The Necessity of a national Religion for the Support of Society, being so indispensable, that Men even in the wildest Times, the sworn Enemies of religious Establishments, and *leagued* together for their Destruction, were no sooner become able to effect their Purpose, than they found, in beginning to new model the State, which they had subdued by the Superiority of their Arms, that there was even a Necessity of supporting an established Church. Of this, we have a remarkable Example in the INDEPENDENT *Republic* *, and in the *Protectorship* of OLIVER; both of which, under their several Usurpations, were forced to erect PRESBYTERY, the Religion they most hated, into a NATIONAL CHURCH.

To proceed; The Distempers of the State, still further contributed to inflame those of the Church: And, on the Accession of the present royal Line to the Throne, a long, a famous, and a regular Dispute concerning the Powers,

* In April 1649, the House (says Whitelock) came to these Resolutions—*That the Government to be ESTABLISHED in England shall be the PREBYTERIAN Government.*

That a Way shall be provided for ADMISSION of all such Churches as tend to Godliness and to advance the Kingdom of Jesus Christ, TO BE FREE WITHOUT DISTURBANCES. Memor. of English Affairs, p. 393.

Bounds,

Bounds, and Limits of the two SOCIETIES, was begun and carried on by two Parties of Churchmen. But as the several Disputants had reciprocally assigned too much, and allowed too little to the two Societies, and had erected their Arguments on one common Fallacy; the Maintainers of an Establishment supported a Test-law on such reasoning as destroyed a Toleration^d; and the Defenders of religious Liberty, argued against the Justice of that Security on such Principles as concluded equally against a national Church^e.

IN this Ferment, and in this embroiled Condition, the Author of the *Alliance between Church and State* found the Sentiments of Men concerning religious Liberty and Establishments when he proposed his *Theory* to their Consideration: a Theory calculated to vindicate our present happy Constitution ON A PRINCIPLE OF RIGHT, by adjusting the precise Bounds of either Society; by shewing how they come to act in Conjunction; and by explaining the Nature of their Union: and from thence, by natural and necessary Consequence, inducing, on the one Hand, an ESTABLISHED RELIGION, with all its Rights and Privileges, secured by a TEST LAW; and on the other, a full and free TOLERA-

^d Sherlock.^e Hoadley.

tion to all who dissented from the National
Worship.

He first shewed the Use of Religion to Society, from the Experience and Practice of all Ages : He Inquired from whence the Use arose, and found it to be from certain original Defects in the very Essence and Plan of Civil Society. He went on to the Nature of Religion ; and shewed how, and for what Causes, it constituted a Society : And then, from the Natures of the *two Societies*, he collected, that the Object of the Civil, is only the *Body* and its Interests ; and the Object of the Religious, only the *Soul*. Hence he concluded, that both Societies are Sovereign, and Independent ; because they arise not out of one another ; and because, as they are concerned in contrary Provinces, they can never meet to clash ; the Sameness of *Original*, or the Sameness of *Administration*, being the only Causes which can bring one, of two distinct Societies, into natural Subjection to the other.

To apply Religion therefore to the Service of Civil Society, in the best Manner it is capable of being applied, he shewed it was necessary that the two Societies should UNITE : For each being sovereign and independent, there was no other Way of applying the Service of Religion in any solid or effectual Manner. But no such Union
could

could arise but from *free Compact* and Convention. And free Convention is never likely to happen, unless each Society has its mutual Motives, and mutual Advantages. The Author therefore, from what he had laid down of the Natures of the two Societies, explained what those Motives and Advantages were. Whence, it appeared that all the Rights, Privileges, and Prerogatives of the two Societies, thus united, with the Civil Magistrate at their Head, were indeed those very Rights, Privileges, and Prerogatives, which we find established and enjoyed under our present happy Constitution in Church and State: The Result of this was that an ESTABLISHED CHURCH and a free TOLERATION, are made perfectly to agree by the Medium of a TEST LAW. This Law therefore the Author, in the last Place, proceeded to vindicate, on the same general Principles of the Law of Nature and Nations.

THIS is a true tho' short Analysis of the *Alliance between Church and State*; with the Principles on which the Theory is conducted.

LET us now consider what his Lordship has to object to it. I shall take him Paragraph by Paragraph, in his native Disorder, as he lies: For when a Writer is confused beyond Redress, as our noble Author is here where he reasons
against

against the Book of the *Alliance*, an Attempt to reduce his Discourse to Order becomes suspicious; as the Reader may chance to fancy that the *Obscurity* as well as the *Order* were of the Answerer's making. Therefore the safest, as well as fairest Way in this Case is to take the Writer as you find him. The Obscurities in Thought and Expression will be then seen to be his own; and nothing can be objected to the Answerer, but a few Repetitions, which, in this Method of answering, can never be avoided.

“ THE Notion (says his Lordship) of a FOR-
 “ MAL ALLIANCE between Church and State,
 “ as between two independent, distinct Powers,
 “ is a very groundless and WHIMSICAL Notion.
 “ But a fraudulent or silent Compact between
 “ Princes and Priests became very real, as soon
 “ as an ecclesiastical Order was established ^f.”

The latter Part of this Period is but too true; and the Theory of the *Alliance* (misrepresented in the former Part) was proposed to remedy these Mischiefs. It is this Theory only, which I shall undertake to vindicate against his Lordship's Objections.

IF, by *formal*, he means (and what should he mean else?) one actually executed in Form; and supposes that the Author of the *Alliance* be-

^f Vol. iv. p. 515—16.

tween Church and State, asserted the actual Execution of such a one, we may, with more Justice perhaps, apply to his Lordship what he says of the Author, concerning DE MARCA and BOSUET, *That he gives a Character of the Book called the Alliance, without knowing any Thing of it.* Give me leave to quote my own Words—

“ From all this it appears, that our Plan of Alliance is no precarious arbitrary Hypothesis, but a Theory founded in Reason, and the invariable Nature of Things. For having, from the Essence, collected the *Necessity* of allying, and the *Freedom* of the Compact; we have from the same *Necessity*, fairly introduced it; and from its *Freedom*, consequentially established every mutual Term and Condition of it. So that now if the Reader should ask, where this Charter or Treaty of Convention for the Union of the two Societies, on the Terms here delivered, is to be met with? we are able to answer him. We say, it may be found in the same Archive with the famous ORIGINAL COMPACT between Magistrate and People; so much insisted on, in Vindication of the common Rights of Subjects. Now when a Sight of this *Compact* is required of the Defenders of Civil Liberty, they hold it sufficient to say, that it is enough for all the Purposes of Fact and

“ Right,

“ Right, that such original Compact is the only
 “ legitimate Foundation of Civil Society: That
 “ if there were NO SUCH THING FORMALLY exe-
 “ cuted, there was, *virtually*: That all Diffe-
 “ rences between Magistrate and People ought
 “ to be regulated on the Supposition of such a
 “ Compact; and all Government reduced to the
 “ Principles therein laid down; for that the
 “ Happiness of which Civil Society is produc-
 “ tive, can only be attained by it, when formed
 “ on those Principles. Now something like
 “ this we say of our *Alliance between Church and*
 “ *State*.”

LET this serve too, for an Answer to his
 Lordship's insulting Question in another Place
 —“ But where shall we look for the Conditions
 “ of that *original Contract which was made between*
 “ *the religious and civil Society*, I know not; un-
 “ less we suppose them written on the Back of
 “ Constantine's Grant to Sylvester ^h.” Does his
 Lordship know where to look for the ORIGINAL
 CONTRACT *made between the Prince and People*,
 in any Place of easier Access? Or will he, when
 at a Loss, send us to the *Back of Constantine's*
Grant to Sylvester, for this Contract likewise?

^g Alliance, third Edition, p. 165—6—7.

^h Vol. iv. p. 419.

BUT to proceed. If by *formally*, through a perverse Use of Words, his Lordship means only *virtually*, like the *original Compact* between King and People, This indeed I do venture to say, and not only to say, but to prove likewise.

It is true, the Foundation of the Proof, his Lordship says, stands upon a WHIMSICAL Principle : So, in his Opinion, did the Argument of the Divine Legation of *Moses*, from the Omission of a future State. Indeed his Lordship seems to have been as much distressed by WHIMSICAL DIVINES, when he turned Philosopher, as he was by WHIMSICAL POLITICIANS, while he continued a Statesmanⁱ. However, the *whimsical* Principle in Question, is this, That THE CHURCH OF CHRIST COMPOSES A SOCIETY SOVEREIGN, AND INDEPENDENT OF THE CIVIL.

THIS Principle his Lordship rejects : and it must be confessed, not, as is his wont, altogether absurdly : For he who makes Religion itself a Fantom, can surely have little or no Idea how it should become embodied,

ⁱ See his Letter to Sir W. Windham.

“ NEITHER

“ NEITHER NATURE nor REASON (says his
 “ Lordship) could ever lead Men to imagine
 “ TWO DISTINCT AND INDEPENDENT SOCIETIES
 “ IN THE SAME SOCIETY. This Imagination
 “ was broached by ecclesiastical Ambition ^k. ”

A GRAVE Sentence! which to me seems equivalent to this, That *neither Nature nor Reason could ever lead Men to imagine that ONE was TWO*. In this, I readily agree with him. But then the Difficulty remains, how such a Thing could ever come to be *broached*, (as his Lordship says it was) by any *Imagination* not more disordered than it usually is by *Ecclesiastical Ambition*. SCHOOL-LEARNING, indeed, might do much; for there his Lordship has fixed his theological Bedlam: But *Church Ambition*, he assures us, is of another Mould; which, as it never failed, he says, to *aim at*, so, it seldom failed to *obtain, immoderate Wealth and exorbitant Power*. What then are we to think? That his Lordship meant, that *neither Nature nor Reason could ever lead Men to imagine two distinct and independent Societies in the same COMMUNITY?* for *Community* being the Genus, several *Societies*, as the Species, may, indeed, be contained in it. This, I am ready to suppose, merely for my own Ease; because when his Lordship is well

^k Vol. iv. p. 412;

understood he is always more than half confuted.

IN this Paragraph then, are contained these two Propositions :

1. THAT the Church does not compose a *Society*.

2. THAT it does not compose a *Society independent and sovereign*.

LET us examine his Reasoning on these Points as it lies in his Works ; for as disorderly as it lies, it is intended, I assure you, to overturn the whole Theory of the *Alliance*.

“ A RELIGIOUS SOCIETY (says his Lordship)
 “ BY WHICH IS MEANT, ON THIS OCCASION, A
 “ CLERGY, is, or is not, a Creature of the
 “ State. *If the first*, it follows, that this Order
 “ no more than others, which the State has in-
 “ stituted for the Maintenance of good Govern-
 “ ment, can assume any Rights, or exercise any
 “ Powers, except such as the State has thought
 “ fit to attribute to it, and that the State may
 “ and ought to keep a constant Controul over
 “ it, not only to prevent Usurpations and
 “ Abuses, but to direct the public and private
 “ Influence of the Clergy, in a strict Confor-
 “ mity

“ mity to the Letter and Spirit of the Consti-
 “ tution; the Servants of which, in a much
 “ truer Sense, they are, than what they affect
 “ sometimes to call themselves, the Ambassa-
 “ dors of God to other Men. *If the last is*
 “ said, if it be asserted, that the Church is in
 “ any sort independent on the State, there arises
 “ from this Pretension the greatest Absurdity
 “ imaginable, that, I mean, of Imperium in
 “ Imperio; an Empire of divine, in an Em-
 “ pire of human Institution¹,”

Thus far his Lordship, who is here reason-
 ing against the Principles laid down in the Book
 of the *Alliance*. He introduces his Dilemma
 with telling the Reader, that the Author of
 that Book has defined a *religious Society*, to be
 the *Body of the Clergy*. — *A religious Society, by*
which (says he) IS MEANT ON THIS OCCASION A
 CLERGY, *is, or is not, a Creature of the State*^m.

THE Reader cannot, I believe, see this As-
 sertion without some Surprize, when he observes,
 that the Author of the *Alliance* has defined a
 religious Society to be A NUMBER OF RELIGIOUS

¹ Vol. iv. p. 413.

^m So again, *This Order of Men which we call the Reli-
 gious Society*.—V. iv. p. 440. And again, *The Religious So-
 ciety, as we have accustomed ourselves to call the Clergy*. V.
 iv. p. 561.

BEINGS ASSOCIATEDⁿ. — When he observes, that the Author makes it one of the principal Cares of a religious Society, to provide an Order of Men, to be set apart for ministring in holy Things, or in other Words, a CLERGY. —

“ The greatest Care is to be had, that the Acts
 “ of religious Worship be preserved simple,
 “ decent, and significative. But this can be
 “ done only by providing Persons set apart for
 “ this Office; whose peculiar Employment it
 “ shall be to preside in, direct, and superintend
 “ the Acts and Services of Religion, &c.” —

When he observes, that the Author makes the *End* of religious Society to be, *Salvation of Souls*, and one of the *Means*, the Order of the Clergy.

—Lastly, when he observes, the Author of the *Alliance* opposes the *Church* and the *Clergy* to each other. “ It is unjust in the CHURCH to
 “ aim at the Propagation of Religion by Force,
 “ and impertinent to aim at Riches, Honours,
 “ and Powers. But what Motives the CLERGY
 “ OF A CHURCH might have, is nothing to the
 “ Purpose of our Inquiry. We have only to
 “ consider what the CHURCH had, WHICH, as a
 “ religious Society, CONSISTS OF THE WHOLE
 “ BODY OF THE COMMUNITY, BOTH LAITY AND
 “ CLERGY^p.” Nay, the very popish Clergy, even

ⁿ *Alliance*, p. 53.

• *Alliance*, p. 59.

^p *Alliance*, p. 106.

DE MARCA himself, that *time-serving Priest and great Flatterer*, was more honest than his Lordship chuses to represent the Body of the *English Clergy*, as he might have seen by the Quotation at the Bottom of this very Page of the *Alliance*.—ECCLESIAE CORPUS, EX FIDELIUM OMNIUM COMPAGE CONSTITUITUR.

IN a word, the Author of the *Alliance* was at much Pains to prove that a religious Society, or *Church*, does not mean the *Clergy*, but the whole Body of the Faithful: and this for two Reasons, for the Sake of Truth in general, and of his own System in particular.

1. IT shocks common Sense to call one Order or Rank in Society, *the Society*: It is little better than calling one of the Qualities of a Substance, *the Substance*.

2. IT subverts the Theory of the *Alliance* to make the *Clergy* constitute the *Church*: For then the Church could neither be a distinct Society, nor independent; both of which it must be, to make it capable of an Alliance with the State. It could not be a distinct Society; for an Order of Men, as I observed just before, is the same in Politics, as a Quality is in Physics; the one must inhere in a *Society*, the other in a *Substance*: And these being the Substrata of the other,

other, to talk of a distinct, much more, of the independent Existence of an *Order*, or of a *Quality*, is the profoundest Nonsense in Politics and Physics. But admitting, such a Church were capable of allying with the State, the Author has shewn, in the Place quoted above, that it's *Motives* for allying would be such as the State could never comply with, either in Justice or Policy.

EXTREME Necessity (to do his Lordship all the Right we are able) forced him upon this bold and violent Falsification of the Doctrine of the *Alliance*. He saw no other Way of discrediting the Opinion of an *independent religious Society*, than by making it believed, that such a Society would be an “*Imperium in Imperio, an Empire of divine, in an Empire of human Institution* ;” a Mischief, against which the State is always on its Guard. And if a religious Society signified the Church, and the Church, only the CLERGY, the Claim to Independency would imply such an Imperium. But the Author of the *Alliance* goes upon other Principles; he holds that the Church signifies the whole Body of the Faithful; that though this Society be independent, yet, from its Independency, no such Solecism in Politics can arise as an *Imperium in Imperio*. This Argument, which the Author has drawn out at large, the noble Person, in

[B 2]

the

the following Words, misrepresents, perverts, and attempts to overthrow.

“ AN Imperium in Imperio (says he) is in
 “ Truth so expressly contained in the very
 “ Terms of the Assertion, that none of THE
 “ TEDIOUS SOPHISTICAL REASONINGS, which
 “ have been employed for the Purpose, can
 “ evade or disguise it. One of these I will
 “ mention, because it has a CERTAIN AIR OF
 “ PLAUSIBILITY, that imposes on many; and
 “ because, if it cannot stand a short and fair Ex-
 “ amination, as I think it cannot, the whole
 “ Edifice of ecclesiastical Independency and
 “ Grandeur, falls to the Ground. It has been
 “ said then, that *religious and civil Societies are*
 “ *widely distinguished by the distinct Ends of their*
 “ *Institutions, which imply necessarily distinct Powers*
 “ *and a mutual Independency; that the End of the*
 “ *one is the Salvation of Souls, and that of the other*
 “ *the Security of temporal Interests; that the State*
 “ *punishes overt Acts, and can punish nothing else,*
 “ *because it can have Cognizance of nothing that*
 “ *passes in the Mind, and does not break out into cri-*
 “ *minal Actions; but that the Church employing her*
 “ *Influence to temper the Passions, to regulate the*
 “ *inward Dispositions, and to prevent Sins, as well*
 “ *as Crimes, is that Tribunal at which even In-*
 “ *tentions are to be tried, and Sins, that do not*
 “ *ripen*

“ ripen into Crimes, nor immediately affect Civil Society, are to be punished⁹. ”

THIS, I will suppose, his Lordship intended as a fair Representation of the Author's Argument for the *Independency* of the Church. But the Argument, as it stands in the *Alliance*, is drawn from the different *Powers* belonging to the two Societies ; as those *Powers* are deduced from their different *Ends*. But different Powers implying different Administrations, they create a mutual *Independency* ; and different Administrations implying an Incapacity of their clashing with one another, shew plainly that such an *Independency* can never produce an *Imperium in Imperio*. This is the natural Order of the Argument, as it stands in the *Alliance*. Let us see now, how his Lordship represents it. He begins rightly, with the different Ends, viz. *Salvation of Souls*, and *Security of temporal Interests* : But, proceeding to speak of the different *Powers*, adapted to those different *Ends*, viz. *Coertion* in the State, and *Persuasion* only in the Church (from whence arises a mutual *Independency*) he mistakes the CONSEQUENCES of these Powers, which are *Punishment of overt Acts*, and *Subdual of the Passions* ; he mistakes them, I say, for the *Powers* THEMSELVES ; from which *Consequences*

⁹ Vol. iv. p. 413—14.

indeed no Independency ensues ; because *Sub-
dual of the Passions* may, in his Lordship's Opi-
nion at least, be obtained by coercive Power, as
well as *Punishment of overt Acts*. And if both
Societies have *coercive Power*, one must needs be
dependent on the other. I take notice of this
Mistake only to shew, what a poor and im-
perfect Conception, his Lordship himself had of
the Argument of the *Alliance*. Had he told us,
though in fewer Words, that the Author's Rea-
soning against the Pretence of an *Imperium in
Imperio* arising out of a mutual Independency,
was this, That the State having *coercive Power*,
and the Church having *none*, the Administration
of the two Societies could never clash ; so as to
induce the Mischief of an *Imperium in Imperio* ;
Had he told this, I say, we should have seen,
that at least he *understood* his Adversary.

BUT let us consider how he goes about to an-
swer what he so ill represents.

“ Now in Answer to all this (says his Lord-
“ ship) WE MAY DENY, with Truth and Reason
“ on our Side, that the avowed Ends of reli-
“ gious, and the real Ends of civil Society are
“ so distinct as to require distinct Powers, and a
“ *mutual Independency*. The Salvation of Souls
“ is not the immediate End of civil Society, and
“ I wish it was not rather the Pretence, than the

“ End of ecclesiastical Policy ; but if to abstain
 “ from Evil and to do good Works be Means of
 “ Salvation, the Means of Salvation are the Ob-
 “ jects of civil Government. It is the Duty of
 “ Princes and Magistrates to promote a strict
 “ Observation of the Law of Nature, of private
 “ and public Morality, and to make those who
 “ live in Subjection to them, good Men, in
 “ order to make them good Citizens. For this
 “ Purpose, the Balance and the Sword are put
 “ into their Hands, that they may measure out
 “ Punishment to every one, who injures the
 “ Community, or does Wrong to his Neigh-
 “ bour ; and a rigorous Punishment of Crimes,
 “ especially if it be accompanied with Rewards
 “ and Encouragements to Virtue, *for both are*
 “ *intrusted to the same Men*, is the surest Way
 “ not only to reform the outward Behaviour,
 “ but to create an habitual inward Disposition to
 “ the Practice of Virtue’.”

*We may, says his Lordship, deny that the
 avowed Ends of religious, and the real Ends of
 civil Society, are so distinct.*—Here he contra-
 dicts his Master LOCKE. This indeed is a small
 Matter. I shall shew he contradicts Truth, and
 the whole System of human Affairs, both in the
 Constitution of Laws and in the Administration

* Vol. iv. p. 414.

of Justice.—But before we come to that, there is a great deal to be done.—*We may*, says his Lordship, *deny that the AVOWED Ends of religious, and the REAL Ends of civil Society, are so distinct, as to require distinct Powers and a mutual Independency.* The *avowed Ends*, does he say? *Avowed* by whom? Common Sense requires he should mean, *avowed* by those who go upon the Principles of the Book of *Alliance*. But then he *might* have said *real*; for the *avowed* and the *real* Ends are the same: He *should* have said *real*; for the fair Use of the Proposition, and the Force of the Argument drawn from it, both require this Adjective. But by what he predicates of these *avowed Ends*, viz. their *not requiring distinct Powers*, we see he means *avowed* by corrupt Churchmen. (*The Salvation of Souls* (says he, immediately after) *is rather the Pretence than the End of ecclesiastical Policy*;) and these *Ends* are Church Uniformity for the sake of spiritual Dominion. Now these *avowed Ends*, I readily confess, cannot be obtained without *coercive Power* of the civil Kind. Here then you have his Lordship, after all his Declamation against spiritual Tyranny, coming at last, in the true Spirit of a free-thinking Politician, to profess that religious Persecution and coercive Power are, in the Order of Things, as justly and reasonably employed in Matters of Conscience, as in the overt Acts of civil Life: now though
this

this be altogether upon Principle, (for what should restrain a Statesman, who believes Nothing of the Truth of Religion and sees all the Mischiefs of Diversity of Opinions, from attempting to bring about an outward Uniformity, by Force?) Yet the Reader would not have *expected* it in this Place, where his Lordship is defending religious Liberty, against the Priest-craft of the *Alliance*: Nor would you have *found* it, had not the Distresses of Controversy driven him into his native Quarters, before his Time. The *Alliance* went on this Principle, that the Church was a Society, independent of the Civil, as not having coercive Power like the Civil. To overturn this Argument, his Lordship was forced to deny the Minor, and so unawares has brought in PERSECUTION as one of the natural Powers of the Church. But to compass this Matter neatly, and without Noise, he has Recourse to his old Trade, the employing, under an ambiguous Expression, the *Abuse* of the Thing for the Thing itself.—*The avowed Ends of religious—the real Ends of Civil Society.*—But it was so evident a Truth, that the *Salvation of Souls* was the real End of religious Society, and *the Security of temporal Interests*, the real End of the Civil, that he must have lost his Senses who could be brought to believe that *coercive Power* was as proper to promote the first as the second; or that *Instruction and Exhortation* were

were as proper to promote the second as the first: one of which two Things, his Assertion, *that the Church and State have not distinct Powers*, necessarily implies: To disguise this Absurdity therefore, for, *real*, which fair Argument required him to use, he substitutes the ambiguous Word, *avowed*, which his bad Cause required him to abuse. And under this Cover, he denies, that the two Societies are *so distinct as to require distinct Powers*.—Well, this however we understand; and have thoroughly considered. But what mean the Words that follow?—AND A MUTUAL INDEPENDENCY. The Author of the *Alliance* indeed had said, that the Ends of the two Societies were *so distinct as to require distinct Powers*. But he was not so absurd to add —*and a mutual Independency*; because, *Independency* was not the MEAN of attaining an End, like *distinct Powers*, but a CONSEQUENCE of those Powers: for if the Powers, by which two Societies are administered, be different, those Societies (seeing their Administrations can never clash) must needs be independent on one another. This is given only as a fresh Instance of the cloudy Apprehension this great Statesman had of a plain Argument, the Argument of the *Alliance*, built on the first Principles of Law and Politics.

LET

LET me now proceed to his reasoning. He is to prove, what he had asserted, that the two Societies *are not so distinct as to require distinct Powers.* He is writing against the Book or rather against the Author of the *Alliance*; who lays it down as an acknowledged Truth, that the End of the Religious is *Salvation of Souls*; the End of the Civil, *Security of temporal Interests.* To this his Lordship replies, that Salvation of Souls is only the *pretended* End of the Religious; but it is the *real*, though not *immediate* End, of the Civil. And thus he has with great Dexterity wiped out all Distinction between the two Societies. I have already detected both the Fraud and the Fallacy of the first Part of his Assertion. I come now to the other, *that Salvation of Souls is the real, though not immediate, End of Civil Government.* Here the Meanness of his Sophistry is still more apparent, than in the former Part. It stands thus,—“The *immediate* End of Civil Government is confessed, on all Hands, to be *Security of temporal Interests.*—This is done by restraining Men from Evil, and exciting them to good Works—Good Works are the Means of Salvation—Therefore the Means of Salvation are the Objects of Civil Government; or, in other Words, the Salvation of Souls is at least the *real*, though *mediate* End of Civil Society.”

THE Author of the *Alliance* had obviated all this paultry Chicane in the following Words:
 “ Civil Government, I suppose, will be allowed
 “ to have been invented for the Attainment of
 “ some certain End or Ends exclusive of others:
 “ and this implies the Necessity of distinguish-
 “ ing this End from others. Which Distinction
 “ arises from the different Properties of the
 “ Things pretending. But amongst all those
 “ Things which are apt to obtrude, or have in
 “ fact obtruded, upon Men as the Ends of
 “ Civil Government, there is but one Difference
 “ in their Properties, as ENDS: which is this,
 “ *that one of these is attainable by Civil Society only,*
 “ *and all the Rest are easily attained without it.*
 “ The Thing then with the first mentioned Pro-
 “ perty must needs be that *genuine End* of
 “ Civil Society. And this is no other than *Se-*
 “ *curity to the temporal Liberty and Property of*
 “ *Men*.”

BUT his Lordship's Sophism consists in the Ambiguity of the Word END; which either signifies the Consequence or Issue of a *Mean*; simply; or, the Consequence and Issue, with Intention and Fore-thought. In the first Sense it may be true, that Salvation is the mediate End of Civil Society; but then it is nothing to the

• *Alliance*, p. 29.

Purpose.

Purpose. In the second Sense it is to the Purpose, but not true. The civil Magistrate, all Men see, had not this Consequence or Issue in his Thoughts; as is evident from hence, that, in adapting his Punishments to the various Species of unlawful Actions, he doth not proportion them to the Heinousness of the Offence, as estimated on the Principles of *natural* or of *revealed* Religion, but to their malignant Influence on Civil Society. A plain Indication, that, when he measured out Punishments to Offences, he had only *political* and not *religious* Considerations in his View. But you shall hear what the Author of the *Alliance* has said on this Subject, who had confuted his Lordship's Sophism even before he had conceived it.

“ WE have shewn (says this Writer) that it
 “ was the Care of the *Bodies*, not of the *Souls*
 “ of Men, that the Magistrate undertook to give
 “ Account of. Whatever therefore refers to
 “ the *Body*, is in his Jurisdiction; whatever to
 “ the *Soul*, is not. But, and if there be that
 “ which refers equally to both (as *Morals* plainly
 “ do) such Thing must needs be partly within,
 “ and partly without his Province; that is, it is
 “ to be *partially* considered by him; his Care
 “ thereto extending so far only as it affects Civil
 “ Society. The other Consideration of it,
 “ namely

“ namely as it makes Part of Religion, being
 “ in the Hands of those, who preside in another
 “ Kind of Society. Again, with regard to civil
 “ Practice; if we cast our eye on any Digest of
 “ Laws, we find that evil Actions have their an-
 “ nexed Punishment denounced, not as they are
 “ VICES, *i. e.* not in Proportion to their Devia-
 “ tion from the eternal Rule of Right: nor as
 “ they are SINS, *i. e.* not in Proportion to their
 “ Deviation from the extraordinary revealed
 “ Will of God; which two Things indeed coin-
 “ cide: but as they are CRIMES, *i. e.* in Propor-
 “ tion to their malignant Influence on Civil So-
 “ ciety. But the View in which the *State* re-
 “ gards the *Practice of Morality* is evidently seen,
 “ in its Recognition of that famous Maxim, by
 “ which penal Laws in all Communities are
 “ fashioned and directed, THAT THE SEVERITY
 “ OF THE PUNISHMENT MUST ALWAYS RISE IN
 “ PROPORTION TO THE PROPENSITY TO THE
 “ CRIME. A Maxim evidently *unjust* were
 “ Actions regarded by the State, as they are in
 “ themselves only; because the *Law of Nature*
 “ enjoins only in Proportion to the Ability of
 “ Performance; and human Abilities abate in
 “ Proportion to the contrary Propensities: evi-
 “ dently *impious*, were Actions regarded by the
 “ State as they refer to the Will of God, be-
 “ cause this State-Measure directly contradicts
 “ his Method and Rule of punishing. But sup-
 “ pose

“ pose the Magistrate’s Office to be what is here
 “ assigned, his Aim must be the SUPPRESSION
 “ of Crimes, or of those Actions which malig-
 “ nantly affect Society; and then nothing can
 “ be more reasonable than this Proceeding;
 “ for then his End must be the Good of the
 “ *Whole*, not of *Particulars*, but as they come
 “ within that View. But the Good of the
 “ Whole being to be procured only by the *Pre-*
 “ *vention* of Crimes, and those to which there is
 “ the greatest Propensity being of the most dif-
 “ ficult Prevention, the full Severity of his
 “ Laws must of Necessity be turned against
 “ these ‘.’”

BUT, his Lordship goes on to inform us,
 What those *Means* are which Princes and Magi-
 strates employ to procure this *mediate End* of
 civil Society, the *Salvation of Souls*; and they
 are, he says, COERCIVE Force.—*For this Purpose,*
the Balance and the Sword are put into their
Hands, that they may measure out Punishment to
every one, who injures the Community or does Wrong
to his Neighbour. And a rigorous Punishment of
Crimes, especially if it be accompanied with Re-
wards and Encouragements to Virtue, is the surest
Way not only to reform the outward Behaviour,
but to create an inward Disposition to the Practice
of Virtue.

‘ Alliance, p. 33—4—5.

WHO

Who would have expected that it should come to this at last, That a vigorous and exact distribution of Rewards and Punishments under the MAGISTRATE'S PROVIDENCE (which indeed is the only one his Lordship thinks worth a Rush) should be so far from *taking away Merit and making Virtue servile*, that it is the *surest Way of creating an inward Disposition to the Practice of Virtue*! i. e. the surest Way of making Virtue free and meritorious. When in the Case of an extraordinary Providence he had affirmed, that
 “ an immediate and visible Interposition of Pro-
 “ vidence, in Behalf of the Righteous and for
 “ the Punishment of the Wicked, would inter-
 “ fere with the Freedom of moral Agents, and
 “ not leave Room for their Trial, &c. ”
 There is Something marvelously perverse in his Lordship's reasoning. The exact Distribution of Rewards and Punishments by Heaven, makes Virtue worthless and servile, though the Administration of Providence be able to operate on the Mind and Intention, the only Way if any, of *creating an inward Disposition to the Practice of Virtue*; that is, of making it free and meritorious. On the other hand, if the Reader will go on to give him Credit, the exact Distribution of Rewards and Punishments by the civil Magistrate, makes Virtue free and meritorious, though

the Magistrate's Administration be unable to operate on the Mind and Intention, and influences only the outward Act; which is (if any Thing can do it) to make Virtue worthless and *servile*.

BUT to come to the Point, which these Observations naturally lead to. The very Means his Lordship assigns for the Promotion of this imaginary End, namely *coercive Force for Salvation of Souls*, entirely subverts his Principle, and shews that Salvation of Souls could be no End of civil Society, since the *Means* are in no wise calculated to promote the *End*; it not being Action simply, which intitles to the Favour of God, but Action, upon proper Motives. Now on these Motives (which resolve themselves into what we call Conscience) Force, or Coercion, has no Influence. Force may make Hypocrites, but nothing but the rational Convictions of Religion can make Men Lovers of Virtue.

IN a Word, if it be by such Kind of Reasoning as this that the *whole Edifice of ecclesiastical Independency and Grandeur may be brought to the Ground*, (to use his Lordship's big Language) Church Power was never worth the rearing.

To proceed. His Lordship with much Gravity, tells us next, that "A Clergy might co-
" operate with the civil Magistrate very use-
[C] " fully,

“ fully, no doubt, by Exhortations, Reproofs,
 “ and Example. — This they might do as Assist-
 “ ants to the civil Magistrate, in Concert with
 “ him, and in Subordination to him. *To what*
 “ *Purpose therefore do they claim and affect Inde-*
 “ *pendency on him?* Greater Power never did,
 “ nor can enable them to do greater Good.
 “ Would they erect a Tribunal to *punish Inten-*
 “ *tions?* The very Pretence is impertinent.
 “ Would they erect it to *punish where no Injury*
 “ *is offered, nor Wrong done?* The Design is un-
 “ just and arbitrary. The Ideas of Crimes are
 “ determinate and fixed. The Magistrate can-
 “ not alter them. The Ideas of Sins are more
 “ confused and vague; and we know by long
 “ and general Experience, how they vary in the
 “ Minds, or at least in the Writings of Casuists.
 “ Would they erect such a Tribunal *to try the*
 “ *Orthodoxy of Men's Faith?* Such a one is erect-
 “ ed in some Countries, under the Name of the
 “ Inquisition, and is justly detested in all. To
 “ what End and Purpose then can SPIRITUAL
 “ COURTS and COERCIVE POWERS ATTRIBUTED
 “ TO THE CLERGY serve, unless it be to make
 “ them Judges and Parties in their own Cause,
 “ when Matters of Interest are concerned “ ? ”

His Lordship, it must be remembered, is here
 reasoning with the Author of the *Alliance*,

“ Vol. iv. p. 415---16.

against his Notions of the Rights of a Clergy in an established Church. And the noble Person's first Misrepresentation, we see, is, that amongst these Rights, the Claim of INDEPENDENCY on the State during their Establishment, is one; and that the coercive Power exercised by them, under the Alliance, is exercised as *inherent* in their Order. *To what Purpose* (says his Lordship) *do they* [the Clergy] CLAIM AND AFFECT *Independency on him, the civil Magistrate?* And again, *To what End and Purpose can spiritual Courts, and coercive Powers, ATTRIBUTED to the Clergy, serve?* And, as if this were not plain enough, in the very next Page, addressing himself to POPE, he says, "Amongst all the Fallacies
 " which have been employed by Churchmen,
 " one of the most absurd has been advanced,
 " though not INVENTED *, by a paradoxical Acquaintance of yours," (meaning the Author of

* It was invented, it seems, by one Dr. Senior; of whose preaching about Moses and Aaron, he tells a curious Tale, on the Authority of his Friend LEWIS; and from thence, he says, "Warburton POSSIBLY took his HINT, and turned it to serve his Purpose, to banter Mankind if he could, &c." Vol. iv. p. 515. Warburton must have been very quick at taking a *Hint*, since he tells us the Sermon was preached before Charles II. at Newmarket, and conveyed to his Lordship only by Tradition. But he, who can falsify a Book which is in every Body's Hands, deserves little Credit for what he says of a Sermon preached, as he tells us, *in the Days of Passive Obedience*, and now existing only in the Memory of old Mr. LEWIS.

the *Alliance*) “ and it is to maintain the INDE-
 “ PENDENCY of the Church, and to suppose,
 “ AT THE SAME TIME, a Sort of original Con-
 “ tract between the Church and State, the Terms
 “ of which, every whimsical Writer, EVEN THIS
 “ SCRIBLER, adjusts as he pleases^y.”

THE Reader shall now hear what the Author of the *Alliance* holds on these two Points, and from his own Mouth. First, as to the *Independency*.——“ Let us see next (says he) what the
 “ STATE gains by it [the *Alliance*.] These [Ad-
 “ vantages] in a Word may be comprized in
 “ ITS SUPREMACY IN MATTERS ECCLESIASTI-
 “ CAL. THE CHURCH RESIGNING UP HER IN-
 “ PENDENCY, and making the Magistrate her
 “ SUPREME HEAD, without whose Approba-
 “ tion and Allowance, she can administer, trans-
 “ act, or decree nothing^z.”

SECONDLY, as to *coercive Power*. “ The
 “ third and last PRIVILEGE THE CHURCH GAINS
 “ by this Alliance, is the being INTRUSTED
 “ WITH A JURISDICTION, INFORCED BY COAC-
 “ TIVE POWER^a.”

HIS Lordship assures us, the Author of the *Alliance* holds, that the *Independency* of the Church is *retained* under an Establishment: the

^y Vol. iv. p. 417. ^z *Alliance*, p. 181. ^a *All. ance*, p. 169.

Author himself says, that it is *given up*. His Lordship assures us, the Author holds an *inherent coercive Power* in the Church; the Author himself says, that *coercive Power is a Grant of the State*, during the Alliance. Who now is the SCRIBLER?

AND here the Reader may observe, how greatly his Lordship has improved upon his MASTERS, the Authors of the *Rights of the Christian Church*, and of the *Independent Whig*. They had ventured indeed to charge both these Doctrines on the Body of the English Clergy: But as one can never be sure what an indiscreet or corrupt Member of so large a Body may have said, the Confutation of their Calumny was not so easy. His Lordship is more bold, he charges these Opinions on a particular Member of the Established Church, by Name: but then he is more fair; he puts it in the Power of the Person injured to do himself Justice; for it so happens, that this Person not only denies the Independency of the Church under an Establishment, and all Claim to *inherent* coercive Power whatsoever, but has laid down Principles to discredit, and Rules to prevent the Return of, those Usurpations. The Author of the *Alliance* had vindicated the *English Clergy*^b from the ca-

^b *Alliance*, p. 77, & seq.

lumnious Prevarications of TINDAL and GORDON; and without doubt it was not for want of Good-will, that none of them have lent a charitable Hand to vindicate *him* from the same Calumnies, when revived by this noble Lord.

As therefore, no Independency in Alliance, is either claimed or affected; and no *inherent* coercive Power is attributed to the Clergy, we will suppose his Lordship's simple Question to be, "For what End is that Tribunal, called a *Spiritual Court*, erected?" And had he been so candid to let the Author of the *Alliance*, to whom he directs his Question, speak for himself, he had not waited for an Answer. For the Author tells us, in the most conspicuous Part of his Book, and in great Letters, that it is FOR REFORMATION OF MANNERS *only**. But, as if the Author of the *Alliance* had entirely left us to ourselves to conjecture how he intended to employ this *Spiritual Tribunal*, his Lordship falls a guessing: and there is no kind of Absurdity, he does not propose, as favoured by his Adversary, though they be such as his Adversary had formally exploded.

To what Purpose, says his Lordship, *do the Clergy claim and affect INDEPENDENCY on the Ma-*

* *Alliance*, p. 169.

gistrate? Greater Power never did, nor can enable them to do greater Good. Would they erect a Tribunal to PUNISH INTENTIONS? The very Pretence is impertinent.

BEFORE I come to his Lordship's *Conjecture*, give me leave to say one Word of his Skill in *Induction*. This *Tribunal*, or this coercive Power, which his Lordship makes to follow *Independency*, is so far from being produced by it, that coercive Power never comes into the Church till it has given up its *Independency*. The Author of the *Alliance* assigns a plain Reason. "The
 " State (says he) having, by this Alliance, be-
 " stowed upon the Clergy a Jurisdiction with
 " coactive Power, such Privilege would create
 " an IMPERIUM IN IMPERIO had not the *civil*
 " *Magistrate* in Return, the *Supremacy of the*
 " *Church conferred upon him*^d."

AND now, to his *Conjecture*. Is it, says he, *to punish Intentions*? The Author of the *Alliance* says, No; it is for *Reformation of Manners only*. But we shall not understand half his Lordship's Drift, unless we consider these Questions as proposed to insinuate, that the Author of the *Alliance* held the Absurdities contained in them. So here, for Instance, we are to understand, that

^d *Alliance*, p. 186, 187.

the Author held that this Tribunal was to *punish Intentions*. However, I will acquit his Lordship of Malice ; it seems to be a simple Blunder. The Author of the *Alliance* did indeed talk of a TRIBUNAL *regarding irregular Intentions as criminal*; and by ill luck, the noble Person mistook this Tribunal, for a SPIRITUAL COURT. The Author's Words are these——“ The effectual
 “ Correction of such Evils [as arise from the In-
 “ *temperance of the sensual Appetites*] must be
 “ begun by moderating and subduing the Pas-
 “ sions themselves. But this, civil Laws are
 “ not understood to prescribe, as punishing those
 “ Passions only when they proceed to Act: and
 “ not rewarding the Attempts to subdue them.
 “ *It must be a TRIBUNAL regarding irregular In-*
 “ *tentions as criminal which can do this; and that*
 “ *is no other than the TRIBUNAL OF RELIGION.*
 “ When this is done, a coactive Power of the
 “ civil Kind may have a good Effect, but not
 “ till then. And who so proper to apply this
 “ coactive Power, in such Cases, as that Society,
 “ which fitted and prepared the Subject, for its
 “ due Reception and Application “ ? ” This
Tribunal regarding irregular Intentions as criminal,
 the Author calls the TRIBUNAL OF RELIGION,
 (*Forum conscientiae*) and distinguishes it from that
 other Tribunal, which is invested with *coactive*

• *Alliance*, p. 95.

Power

Power of the civil Kind, called SPIRITUAL COURTS: he makes the first a Preparative to the other. Yet, strange to believe! his Lordship mistook this *Tribunal of Religion*, so described and distinguished, for a *Spiritual Court*: and upbraids the Author of the *Alliance* for supporting a *Tribunal with coercive Powers, to PUNISH INTENTIONS*. But we shall see more of his Lordship's wonderful Acumen, as we go along.

His second Charge against the Principles of the *Alliance* is in these Words—*Would they erect this Tribunal to punish, where NO INJURY IS OFFERED, NOR WRONG DONE? The Design is unjust and arbitrary. The Ideas of CRIMES are determinate and fixed. The Magistrate cannot alter them. The Ideas of SINS are more confused and vague; and we know by long and general Experience, how they vary in the Minds, or at least in the Writings of Casuists.*

To punish where no Injury is offered, nor Wrong done, is his Lordship's Periphrasis for the *Punishment of vague Lust*, which the Author of the *Alliance* makes one Branch of the Reformation of Manners, and consequently an Object of Spiritual Courts. But his Lordship's own Opinion of the *Quality* of vague Lust, intimated in this Periphrasis, is but a second Consideration. His principal Purpose in giving it, was to expose

pose the Tyranny of Spiritual Courts, in punishing where *no Injury is offered*. For a Lord to forget his BIBLE is a small Discredit; but to forget his HORACE is a Disgrace indeed. Now this honest Pagan reckoned the Prohibition of *vague Lust*, as one of the chief Objects of *civil Laws*.

“ Fuit hæc sapientia quondam
 “ Publica privatis fecernere, *sacra prophanis*;
 “ CONCUBITU PROHIBERE VAGO; dare jura maritis.

ALL this is so very extraordinary, that the Reader will not readily believe his Lordship could design the *Punishment of vague Lust*, by the Words—*punishing where no Injury is offered nor Wrong done*; nor would I neither, did he not so clearly explain himself, in his curious Distinction between CRIMES and SINS: which, because it was occasioned by, and alludes to, a Passage in the *Alliance*, it may not be amiss previously to transcribe that Passage: “ If we cast
 “ our Eye on any Digest of Laws, we find that
 “ evil Actions have their annexed Punishment
 “ denounced, not as they are VICES, *i. e.* in
 “ Proportion to their Deviation from the eter-
 “ nal Rule of Right: nor as they are SINS, *i. e.*
 “ not in Proportion to their Deviation from the
 “ extraordinary revealed Will of God; which
 “ two Things indeed coincide; but as they are
 “ CRIMES, *i. e.* in Proportion to their malig-
 “ nant

“nant Influence on Civil Society ‘.” I said this, to shew that the civil Magistrate does not concern himself with Religion, AS SUCH. His Lordship borrows the same Distinction between *Crimes* and *Sins*, to shew, that it is arbitrary and unjust to punish *Sins*, as *spiritual Courts* undertake to do: for, says he, *the Ideas of CRIMES are determinate and fixed: The Ideas of SINS are more confused and vague.* From this, it appears, that his Lordship mistook *Vices, Sins, and Crimes*, for different Actions; whereas they are the same Actions under different Considerations: either as they respect *natural Light, revealed Religion, or civil Laws*; and so have different Names given to them. The *Ideas* therefore of these three Modifications of forbidden Actions are all equally *determinate and fixed*, or all equally *confused and vague.* But it comes with a peculiar ill Grace from his Lordship to object to the *confused and vague Idea of SINS*, since this Idea is formed upon the revealed Will of God in the Gospel, which, in a hundred Places of his ESSAYS he tells us, coincides with the eternal *Rule of Right*; a Rule, which he acknowledges to be the most determinate and fixed of all Things.

BUT he says, *the MAGISTRATE cannot alter the Ideas of Crimes, as the CASUIST may, the Idea*

of Alliance, p. 33---4.

of

of Sins. That is, the Magistrate cannot give the Name of Crimes to innocent Actions. What should hinder him? He had two Advantages above the Casuist: First, *coercive Power*: Secondly, the *vague and confused Measure* to which *Crimes* refer; namely, to the Influence of Actions on Society. Matter of Fact confirms this Observation. Look round the World; enquire through ancient and modern Times, and you shall find that the *Magistrate* has been guilty of infinitely more Abuse in ranging Actions under the Idea of *Crimes*, than the *Casuist*, in ranging Actions under the Idea of *Sins*. This was not improper to be observed in answer to his Lordship's EXPERIENCE, which ushers in his old Sophism, ready at every Turn to help him out, the *Abuse* of the Thing, for the Thing itself—*We know*, says he, *by long and general Experience, how the Ideas of Sins vary in the Minds, or at least in the WRITINGS of Casuists*. By which it would seem, the noble Author has as little Acquaintance with *Casuists*, as with any other Sort of learned Men, whose Characters he has treated so LORDLY. For corrupt Casuistry does not so much consist in *varying the Ideas of Sins*, (concerning which they are generally agreed) as in contriving to evade the Punishment denounced against them.

HIS

His last Conjecture about the Use of an ecclesiastical Tribunal, on the Principles of the *Alliance*, is, that it is erected for the Punishment of Opinions. *Would they erect*, says he, *such a Tribunal to try the Orthodoxy of Men's Faith?* Why no, says the Author of the *ALLIANCE*, in as plain Terms as he can speak;—NO MATTERS OF OPINION COME WITHIN THIS SPIRITUAL JURISDICTION^g: And he not only says it, but proves it too^h. — *To what End and Purpose then*, says his Lordship, *can spiritual Courts and coercive Powers serve, unless it be to make the Clergy Judges and Parties in their own Cause, when Matters of Interest are concerned?—To what End?* The Author of the *Alliance* has told him plainly and directly; FOR THE REFORMATION OF MANNERS ONLY. But such an Answer did not serve his Lordship's Turn. He will make the Author say as he would have him; or injoin him Silence, and answer for him, himself. He insinuates therefore, in the last Place, that the End aimed at is to determine in civil Matters where the temporal Interest of the Clergy is concerned, and where they become Judges in their own Cause. Hear then what the Author of the *Alliance* says upon this Head likewise; “ CIVIL
“ MATTERS, (in which, sure, Matters of Pro-
“ perty are eminently contained) which tem-

^g *Alliance*, p. 171.^h P. 172—3.

“ poral

“ poral Courts may conveniently inspect, can
 “ never belong to an ecclesiastical Jurisdiction.
 “ It hath been shewn, that this Court was
 “ erected as a Succedaneum to the Civil, to
 “ take Cognizance of such Actions as the Civil
 “ could not reach, or could not remedy: Which
 “ shew, the State could never intend to put
 “ those Things under the ecclesiastical Juris-
 “ diction that fall most conveniently under its
 “ own. Besides, for ecclesiastical Courts to
 “ ingross Matters that belong to the Civil
 “ Jurisdiction, as it can possibly have no good
 “ Use, may very possibly be attended with
 “ this Evil, of inviting and encouraging the
 “ Church to aim at more Power than is con-
 “ sistent, either with her own Good, or the
 “ Good of the State. The great Founder of
 “ our Religion said, *Who made me a Judge or*
 “ *Divider between you?* And what he would
 “ not assume to himself, he would hardly be-
 “ stow upon his Church: And that the State
 “ should ever intend to give her what was the
 “ peculiar Right of temporal Courts, is as diffi-
 “ cult to suppose. We must conclude then,
 “ that such Practice, wherever it is found, was
 “ derived not from the reasonable Laws of this
 “ *Alliance*, but from the Authority of old papal
 “ Usurpations¹.” Thus far the Author of the

¹ *Alliance*, p. 173---4---5.

Alliance; where the Reader may find a great deal more to the same Purpose.

BUT his Lordship goes on with his Confutation.—“ By admitting the Independency of the
 “ Church on the State, the State acknowledges
 “ an original Independency in the Church, de-
 “ rived from a greater Authority than her own:
 “ and the supposed Terms of *Union* may be
 “ construed to be rather Concessions of the re-
 “ ligious Society to the civil, for the sake of
 “ Order and Peace, than Grants of the civil
 “ to the religious Society. Thus Religion and
 “ the Church are set on the same Foot: No
 “ human Authority can alter one, but must
 “ receive it in *the Terms* in which it has been
 “ revealed; and so may a good Casuist prove
 “ on this Hypothesis, that no human Autho-
 “ rity can measure out any Conditions of Esta-
 “ blishment to the other. Thus the State be-
 “ comes no better than a coordinate, but in-
 “ ferior Power^k.” I once met with a Philo-
 sopher of deep Thought, who professed the
 same Reverence for artificial Nonsense, that the
 Turks pay to natural Folly. His System on
 this Point was very singular. He supposed that,
 as in the *material* World there was an universal,
 though very subtile Fire, diffused in secret

* Vol. iv. p. 417.

through all Bodies ; which, by a late Contrivance, might be allured or drawn out from the most inactive and lumpish Matter ; So, in the *intellectual*, that there was a certain witty Spirit, which lay dormant in the most inexplicable Nonsense, and only wanted the Application of some Engine of analogous Invention to rouse it, and set it free. 'Till such a one be discovered, we must search in the dark for his Lordship's Meaning.

By admitting the Independency of the Church on the State, (says he) the State acknowledges an original Independency in the Church derived from a greater Authority than her own. If, by Church, he means the Christian Church in general, it is confessed, that its Independency is derived from a higher Authority than what the State claims for any of its Rights. The Church holding of God immediately, and in an extraordinary Manner ; the State, only mediately, and in a common way. But what are the Consequences his Lordship would deduce from thence ? The first is, that then the supposed Terms of Union may be construed to be rather Concessions of the religious Society to the civil, for the Sake of Order and Peace, than Grants of the civil to the religious Society. The supposed Terms are Terms of Alliance between two independent Societies. These Terms cannot, in the Nature of Things, be

be any other than *MUTUAL Concessions* and *MUTUAL Grants*. What then does he mean, by their being *construed to be rather Concessions of the religious Society than Grants of the civil*? By the *Supposition* on which his Lordship condescends to reason, When the Church in Alliance gives up its *original Independency* it is without doubt a *CONCESSION*; because it is giving up a Right: And when the State in Alliance, confers a *coercive Power* on the Church, this is certainly a *GRANT*; because an original independent religious Society can have no inherent coercive Power. However some Meaning, it is likely, his Lordship had: And perhaps it may be this, “That if the Church have an original Independency, no such *Alliance* as is supposed, could be made: For that the Terms, on the Side of the Church, would not be conditional, but voluntary Concessions, the State having nothing to give, in return.” This would be talking Sense at least, though not Truth. But, first to *suppose* the Fact, that the Terms of this Union are mutual Grants and mutual Concessions; and then to deny mutual Grants and mutual Concessions, is giving such a Form to his Argument as will need a *first Logic* to turn into Sense, as much as the Doctrine conveyed under it needs a *first Philosophy* (as he calls these Lucubrations) to turn into Truth. Thus much however You may see; Some cloudy Conception his Lordship plainly had, that a Society of

divine Original could never enter into Alliance with another, only of *human*. When the Sons of God came down amongst the Daughters of Men, we are told they begot GIANTS. His Lordship betrays his Apprehensions, that this Coalition between the civil and religious Societies would produce an Issue altogether as monstrous, a kind of STATE LEVIATHAN. Indeed, he charges the Author of the *Alliance* with being no better than a Pander or Procurer in this Intrigue. But whatever his Apprehensions were, his Conception was altogether unworthy both of a Philosopher and a Statesman. The AUTHOR OF THE ALLIANCE hath shewn from the Nature of Things, that Religion composes an independent Society: The GOSPEL, by divine Institution, hath declared the Christian Religion to be an independent Society. His LORDSHIP hath shewn, from the Nature of Things, that civil Wants create an independent Society of the civil Kind: And the LAW, by divine Institution, hath declared the Jewish Republic to be an independent civil Society. Now I would ask his Lordship this Question; If nothing hindered this *civil Society of divine Original* from entering into Leagues and Conventions with all the neighbouring Nations, which were not, for political Reasons, excepted by Name, what should hinder this *religious Society of divine Original* from entering into Alliance with the State?

ANOTHER

ANOTHER Consequence his Lordship draws from an original Independency in the Church is, that RELIGION *and the Church are set on the same foot.* That is, if I understand him right, for he might have expressed himself better, the DISCIPLINE of the Church is as unalterable as the DOCTRINE: The Inference from which is, that the *State must receive the Church on the Terms in which its Faith was revealed:* From whence his Lordship draws another Consequence, that *no human Authority can measure out any Conditions of Establishment to the Church:* and, from thence another, (for his Lordship's false Conceptions are always attended with Superfetations) that the *State becomes an inferior Power, or Creature to the Church.* All these brave Consequences, we see, arise out of this Principle, “ that, in a Church of divine Original, the *Discipline* is as unalterable as the *Doctrine.*” And of the Truth of this Principle his Lordship is so confident, that he calls his Adversary a *stupid Fellow* for not owning it. “ The STUPID FELLOW, who advanced this Paradox in English, did not see how ill the Parts of it hang together, nor that if ecclesiastical Government was, by divine Appointment, independent of civil, no such Contract as he supposes could be made. The religious Society, notwithstanding their known Moderation, could not have parted

[D 2]

“ from

“ from that Independency AND SUPERIORITY
 “ over the civil Power, which God had given
 “ them ¹. ”

It is true, this STUPID FELLOW did not see it. And I don't well know how he should ; since, on the other hand, he saw it to be impossible that any *such Contract as he supposes* could be made, unless the Church or religious Society were *independent* of the Civil. For what *Contract* is it, which I suppose to have been made between Church and State ? I tell the Reader in express Words, it is a *mutual Compact* by FREE CONVENTION ^m. Now the entering into a *free Convention* is at the Pleasure of the contracting Parties. But Parties who have this Liberty, must needs be *independent* on one another.

WELL, but he has his Reason, such as it is, to confound this STUPID FELLOW. *The religious Society* (says he) *could not have parted from that Independency, AND SUPERIORITY, over the civil Power, which God had given them.* And now indeed, after much cloudy flourishing, we are come to the Point ; which is, WHETHER A RELIGIOUS SOCIETY CAN PART WITH THAT INDEPENDENCY WHICH GOD, *as well as the Nature of Things*, HATH BESTOWED UPON IT ? This is in

¹ Vol. iv. p. 413.

^m Alliance, p. 83.

Truth a Question worth debating : and the Negative, as we have seen above, was the old Puritan Plea against the King's Supremacy. But as his Lordship rarely suffers an important Proposition, which he is set either upon denying or depraving, to pass through his Hands without first perplexing it *in the Expression*, with an Absurdity or an Equivocation, I shall be obliged, before we can pass forward, to free this from the BOLINGBROKIAN Embarrass. *The religious Society* (says he) *could not have parted from that Independency AND SUPERIORITY over the civil Power which God hath given them.* Now, as the Author of the *Alliance* contends only for the INDEPENDENCY of the Church *before Alliance*, and as his Lordship's Reasoning confesses that the Question is only concerning *Independency before Alliance*, he must needs suppose by adding, AND SUPERIORITY *over the civil*, that this *Superiority* is a Consequence of *Independency*. And so, indeed, he speaks of it more plainly just before, —*Thus, [i. e. from the Independency of the Church] the State becomes no better than a co-ordinate, BUT INFERIOR, Power.* Now if we judge of this Matter on the Principles of the Law of Nature and Nations, *Superiority* is so far from following *Independency*, that it cannot subsist with it. For why is religious Society by Nature *independent* (as I shew it is) but for the Reason I give, that it is *essentially different* from the civil,

by having different Ends and Meansⁿ. But there is no Ground for Superiority of one Person or Society over another, but where some *natural* Relation or Connexion exists between them: none such exists in this Case; therefore a Pretence of Superiority on the one Side, and of Dependency on the other, is absurd. However, as I am well persuaded his Lordship did not know enough of these Matters even to PREVARICATE NEATLY in the Point in Question, I consider it as an innocent Blunder, arising from the following Words of the *Alliance*, shamefully, indeed, misunderstood.—“Such then is the Nature of Christ’s Kingdom [*i. e.* the Christian Church]: it is essentially framed to compose a firm and lasting Society; it is made such by divine Appointment; and, in order to fit it for public Service, it is both by Nature and Institution declared SOVEREIGN, and independent of civil Government, that it may adapt itself by *free Alliance* to the various Kinds of human Policies^o.” Now *sovereign in itself and independent of civil Government*, this great Writer hath paraphrased to signify, *Independency and Superiority over the Civil*.

“Blest, for his Sake, be human Reason,
“Which came at last, tho’ late in Season^p.”

ⁿ *Alliance*, p. 62.

^o *Ibid.* p. 216.

^p Prior.

BUT,

BUT, to proceed to the Question; which is, WHETHER A RELIGIOUS SOCIETY CAN PART WITH THAT INDEPENDENCY WHICH GOD, *as well as the Nature of Things*, HATH BESTOWED UPON IT. His Lordship determines in the Negative. *For if, says he, ecclesiastical Government was by divine Appointment independent of the civil, the Religious Society could not have parted with that independency which God had given them.*

MAN was, by *divine Appointment*, made free and independent; therefore, according to this Reasoning, he could not part with his *Independency*, and become subject to civil Laws. Hold, says his Lordship, Man was made free, that he might be subject to no Laws but those to which he had given his Consent; and as he needed Protection from Laws, he had a Right to part with his Independency if he could get Protection upon no other Terms. And is not this the very Case of the religious Society in Question, which is only an artificial Man, by Nature and Institution free, and standing in need of Protection?

BUT his Lordship's Assertion, you will find, bottoms at last upon this Principle, that DIVINE AUTHORITY REDUCES ALL ITS LAWS TO ONE AND THE SAME SPECIES: An Error which *Bigots and Fanatics* indeed, are equally fond of

indulging; and hath been indulged by them to the infinite Disservice both of civil and of religious Society: But that a *Philosopher* and a *Statesman* should know so little of the NATURE OF LAWS is perfectly astonishing. The first Elements of his Profession might have taught him, “ That the *Authority* by which a Thing is commanded makes no Alteration in the *Essence* of the Thing.” Natural and positive Duties retain their respective Natures in the Code of Religion. Natural Duties are eternal; positive Duties are revocable. Of these latter, some are lasting as the Dispensation to which they belong; others only temporary. Of the temporary, some cease not till they are expressly revoked; others cease with the Occasion that enjoined them. These last are again to be distinguished into *Privileges* and *Duties*; Privileges may be receded from at Pleasure; but Duties must either be revoked, or the Occasion must be plainly seen to cease. Now the INDEPENDENCY in Question, is one of those Qualities in the divine Law, which ceases with the Occasion; and is besides, a *Privilege*, which may be receded from, at Pleasure. Again, In the divine Laws, some Things are enjoined to be believed as Truths; others to be practised as Utilities. Of Utilities some are general; others particular: The first of these are permanent and constant; the second variable. Of the first, is the Church’s composing

posing a *Society*: of the second, is its *peculiar Mode*. Thus Jesus seemed to institute, for the then Occasion, an equal Ministry; the Apostles, Episcopal Government; and modern Churches have chosen one or the other, as best suited the various Forms of civil Regimen, with which they had *allied* themselves.

'As Christianity was, by divine Institution, a *Society at large*, to authorize and to enable the several Churches to give particular Forms to ecclesiastical Government; so the *Independency* was bestowed upon it, to enable it to enter into free Alliance with the State. When God himself allied the Jewish Church with the State, he did not leave that Religion a *Society at large*; neither did he ordain it *independent*: he prescribed, in the minutest Manner, the Form of Church Government; and made it dependent on the State. But the Book of the *Alliance* tells this Story better. "The Christian Religion was not only left *independent* of the State by not being united to it like the Jewish; (and being so left it must needs by the Law of Nature be independent) but its Independency was likewise secured by divine Appointment, in that famous Declaration of its Founder, *My Kingdom is not of this World*; which bears this plain and obvious Sense, *That the Kingdom of Christ, to be extended over all*
Mankind,

“ *Mankind, was not like the Kingdom of God, con-*
 “ *fined to the Jewish People, where Religion was*
 “ *incorporated with the State; and therefore, of*
 “ *this World, as well in the Exercise of it, as in*
 “ *the Rewards and Punishments by which it was*
 “ *administered: but was independent of all civil*
 “ *Communities; and therefore, neither of this*
 “ *World, as to the Exercise of it, nor as to the*
 “ *Rewards and Punishments by which it was ad-*
 “ *ministered.*—But whoever imagines that,
 “ from this *Independency by Institution*, the Church
 “ cannot convene and unite with the State,
 “ concludes much too fast. We have observed,
 “ that this Property in the *Kingdom of Christ*
 “ was given as a Mark to distinguish it from the
 “ *Kingdom of God*, that is, it was given to shew
 “ that this Religion extended to all Mankind;
 “ and was not, like the Mosaic, confined to one
 “ only People. Consequently, that very Reason
 “ which made it proper for the Mosaic Religion
 “ to be united by divine Appointment to the
 “ State, made it fit, the Christian should be left
 “ free and independent. But for what End, if
 “ not for this, To be at Liberty to adapt itself
 “ to the many various Kinds of civil Policies,
 “ by a suitable Union and Alliance.—An Al-
 “ liance then we must conclude the Christian
 “ Church was at Liberty to make, notwith-
 “ standing this declared Nature of *Christ’s King-*
 “ *dom*. So far is indeed true, that it is debarred
 “ from

“ from entering into any such *Alliance* with the
 “ State as may admit any LEGISLATOR in Christ’s
 “ Kingdom but himself [that is, a Power in the
 “ Magistrate to alter DOCTRINES.] But no such
 “ Power is granted or usurped by the *Supremacy*
 “ of the State¹ :” [which extends only to DISCI-
 PLINE.]

FROM all this it appears, that the *unalterable* Part of the Law of Christ is the DOCTRINE: and the only *alterable* Part, the DISCIPLINE: but it is the latter, with which Society, as such, is chiefly concerned, when it enters into *Alliance* with the Church. Therefore, when his Lordship says, *Religion and the Church being set on the same Foot, no human Authority can alter one, but must receive it on the Terms in which it has been revealed*, if he means, there can be no alteration in *Discipline*, I have shewn he is mistaken: if he means, there can be no Alteration in *Doctrine*, he is certainly right; and I must then consider his Lordship’s Observation as a Complaint, that, by the Constitution of the Christian Church, the Magistrate cannot tyrannize over Conscience.

IN the mean time we see, to what little Purpose this great Philosopher and Statesman had read his HOOKER; of whom he confesses something is to be learnt. Now, HOOKER would

¹ *Alliance*, p. 213---216, &c.

have shewn him, that divine Authority does
 not reduce all its Laws to one and the same
 Species.—“ Positive Laws (says this truly
 “ great Man) are either permanent or else
 “ changeable, according as the Matter itself is,
 “ concerning which they were first made.
 “ Whether GOD or MAN be the Maker of
 “ them, ALTERATION they so far forth admit,
 “ as the MATTER doth exact. Wherefore, to
 “ end with a general Rule concerning all the
 “ Laws which God hath tied Men unto: those
 “ Laws divine, that belong, whether naturally
 “ or supernaturally, either to Men as Men, or
 “ to Men as they live in politique Society, or
 “ to Men as they are of that politique Society
 “ which is the Church, without any further Re-
 “ spect had unto any such variable Accident as
 “ the State of Men, and of Societies of Men,
 “ and of the Church itself in this World, is
 “ subject unto; all Laws that so belong unto
 “ Men, they belong for ever, yea although they
 “ be positive Laws, unless, being positive, God
 “ himself which made them, alter them. The
 “ Reason is, because the Subject or Matter of
 “ Laws in general, is thus far forth constant:
 “ which Matter is, that for the ordering whereof,
 “ Laws were instituted, and being instituted are
 “ not changeable without Cause, neither can
 “ they have Cause of Change, when that which
 “ gave them their first Institution remaineth for
 “ ever

“ ever one and the same. On the other side,
 “ *Laws that were made for Men, or Societies, or*
 “ *Churches, in regard of their being such as do not*
 “ *always continue, but may perhaps be clean other-*
 “ *wise a-while after, and so may be required to be*
 “ *otherwise ordered than before; the Laws of God*
 “ *himself which are of this Nature, NO MAN*
 “ *ENDOWED WITH COMMON SENSE will ever deny*
 “ *to be of a different Constitution from the former,*
 “ *in respect of the one's Constancy, and the Muta-*
 “ *bility of the other.*”

So much for this Country Parson. And how
 poorly does his Lordship figure before him with
 his Assertion, that *divine Law makes every Thing,*
which relates to the Church, equally unalterable?
 Yet this noble Haranguer, thus ignorant of the
 very first Elements of Law, can dictate with
 the Authority of an Oracle, and be received
 with the Reverence due to one, concerning
Civil Liberty, Church Usurpations, a Patriot King
and the Balance of Power. But Master Hooker
 will tell you how easily all this may be done by
 any one, without knowing more than their
 Neighbours.

———“ Thus far therefore (says he) we have
 “ endeavoured in part to open, of what Nature

* *Eccl. Pol. L. i. Sect. 15.*

“ and

“ and Force Laws are, according unto their fe-
 “ veral Kinds : the Law which God himself had
 “ eternally set down to follow in his own Works ;
 “ the Law which he hath made for his Creatures
 “ to keep ; the Law of natural and necessary
 “ Agents ; the Law which Angels in Heaven
 “ obey ; the Law whereunto, by the Light of
 “ Reason, Men find themselves bound, in that
 “ they are Men ; the Law which they made by
 “ Composition for Multitudes and politique So-
 “ cieties of Men to be guided by ; the Law
 “ which belongeth unto each Nation ; the Law
 “ that concerneth the Fellowship of all ; and
 “ lastly the Law which God himself hath super-
 “ naturally revealed. *It might peradventure have*
 “ *been more* POPULAR AND MORE PLAUSIBLE TO
 “ VULGAR EARS, *if this Discourse had been spent*
 “ *in* EXTOLLING THE FORCE OF LAWS, *in shew-*
 “ *ing the* GREAT NECESSITY OF THEM, *when*
 “ *they are* GOOD, and in AGGRAVATING THEIR
 “ OFFENCE BY WHOM PUBLIC LAWS ARE INJU-
 “ RIOUSLY TRADUCED. *But forasmuch as with*
 “ *such kind of Matter* THE PASSIONS OF MEN *are*
 “ *rather stirred one Way or other, than* THEIR
 “ KNOWLEDGE *any Way set forward* unto the
 “ Trial of that whereof there is Doubt made,
 “ I have therefore turned aside from that BEATEN
 “ PATH, and chosen, though a LESS EASY, yet
 “ a more

“ a more profitable Way, in regard of the End
 “ we propose.”

GREAT Names, however, are still of good Use to his Lordship: for though he cannot profit by their Lights, he can shine at their Expence: and, having well chicaned their Expressions, can afterwards convert the Truths contained in them to his own Use. Let me give you, out of many, one Example of this Kind. HOOKER and LOCKE have been supposed to write tolerably well on the Origin of civil Government. Alas; *nil sine Theseo*. There is nothing so well done, which his Lordship cannot mend. He reproves Both of them, with much Solemnity, for *representing Mankind to themselves, like a Number of savage Individuals out of Society, in their natural State, instead of considering them as Members of Families from their Birth*. “ This
 “ (he says) has made them reason INCONSIST-
 “ ENTLY, and on a FALSE FOUNDATION. *Incon-*
 “ *sistently*, because they sometimes acknowledge
 “ paternal Government to have preceded civil,
 “ and yet reason about the Institution of civil,
 “ as if Men had then first assembled in any Kind
 “ of Society, or had been subject to any Kind
 “ of Rule; for to say that the Law of Nature
 “ was of itself such a Rule, and that every one

* *Eccel. Pol. L. i. Sect. 16.*

“ of

“ of these independent Inhabitants of the Earth
 “ did or might exercise Justice for himself, and
 “ others on those who violated the Law, was
 “ Language unworthy of Mr. LOCKE, and
 “ unnecessary to his System.—*Falsely*, because
 “ it is easy to demonstrate that Mankind never
 “ was in such a State ‘.”

To say the Truth *easy* enough, and like *demonstrating* Day-light. A Man need only open his Eyes to see that a Mother does not abandon her Infant as soon as she has dropt it, nor the Father immediately renounce the Care of it and her. Is it possible then that HOOKER, LOCKE, and their Followers, should want to be told by his Lordship so obvious a Truth, That, before civil Society, Mankind did not start up like Mushrooms, a Number of savage Individuals at once, but came as they could be got, and entered as they were born, into Tribes and Families. Why then, you ask, did not HOOKER and LOCKE so consider them, when they were deducing the Origin of CIVIL SOCIETY? For very important Reasons; and, one would think, very obvious ones.

FIRST, because the real Origin of civil Society being equally shewn on either Supposition, the

† Vol. v. p. 125—6.

Truths

Truths which followed from it, were clearer seen, as they were less embarrassed, by considering Mankind before civil Society, as Individuals.

BUT this was not all. Had They considered Men before civil Society as ranked under Tribes, the *Rights* belonging to the Heads of Families, thus brought into View, though neither relative to, nor connected with, those of a civil kind, might have too much countenanced that absurd System, which derives *political* Rule from *patriarchal*; a System which, both for its Absurdities and Mischiefs, it was the Purpose of LOCKE and HOOKER to expose and discredit. The former therefore did judiciously, to assert, as he might do it truly; (for the *Exercise of Justice* no more belonging to Fathers of Families, as such, than the *Exercise of regal Prerogative*) that, before the Institution of civil Society, every one of these independent Inhabitants of the Earth did, or might, exercise Justice for himself and others, on those who violated the Law. Yet this, his Lordship calls Language unworthy of his Master. Nay, so great a Stranger is he to this whole Matter, that he declares the Representation to be UNNECESSARY: whereas we see it was done to keep the unwary from the Sight of Circumstances of no Use to assist their Judgment,

ment, and easily abused by designing Men, to mislead them".

—But to proceed with our Subject. His Lordship goes on against the Book of the *Alliance* in this Manner. " This imaginary Contract, in short, whether well or ill made, never existed at any Time, nor in any Country; though, to have been real, and really authorized, it should have been the same at all Times and in all Countries where Christianity was propagated. Political Societies make and alter and break their *Alliances*, as the varying Reason of State suggests. Different Orders of civil Government in the same Society change, and with them the whole Constitution of such Governments, as Reason or Passion, the Interests or the Dispositions of Men determine them. *But a Religion given by God is in its nature invariable.* And therefore if a Religious Society with certain Privileges, Immunities, and Prerogatives be necessary to preserve it so, the *Order and Constitution* of such a Society must be *invariable* too. The CHURCH must be established by the same divine Authority as the RELIGION, and be by Consequence independent of the State. But nothing of this kind has been. Christ's King-

^a See *Alliance*, p. 49, Note (s).

“ *dom was not of this World.* He sent out his
 “ Apostles to teach, and to baptize ; and the ut-
 “ most Power he gave them, besides that of
 “ working Miracles to convince and to convert,
 “ was to shake off the Dust of their Feet, and
 “ to protest against the Infidelity of those who
 “ refused to receive them, and the Gospel they
 “ published. The Apostles ordained others to
 “ accompany and to succeed them in the same
 “ Office, the Office of teaching and baptizing.
 “ The Apostles could give no more Power than
 “ they received ; and no Argument of *Right*
 “ can be drawn from any Thing that passed, or
 “ from any Thing that these Men did for the
 “ Maintenance of their Sect, while Christianity
 “ was a Sect ^w.”

This imaginary Contract (he says) *never existed*
at any Time or in any Country. If he means, a
Contract actually and formally executed, I have
 answered that already, and shewn, that the Ob-
 jection holds equally against *the original Contract*
between King and People ; which I suppose his
 Lordship will allow not to be so *imaginary* but
 that the Prerogative of the one, and the Rights
 of the other, ought every where to be regulated
 on the Conditions ascribed to it. But you shall
 hear the Book of the *Alliance* on this Matter.

^w Vol. iv. p. 419---20.

“ * WHEN I say that *all* regular policied
 “ States had *an Establisbed Religion*, I mean no
 “ more than he would do, who, deducing Civil
 “ Society from its true Original, should, in
 “ order to persuade Men of the Benefits it pro-
 “ duces, affirm that all Nations had a *Civil Po-*
 “ *licy*. For as this Writer could not be sup-
 “ posed to mean that every one constituted a
 “ free State, on the Principles of public Li-
 “ berty, which yet was the only Society he pur-
 “ posed to prove was founded on Truth, and
 “ productive of public Good; because it is no-
 “ torious, that the far greater Part of Civil Po-
 “ licies are founded on different Principles, or
 “ abused to different Ends: so neither would I
 “ be understood to mean, when I say all Nations
 “ concurred in making this *Union*, that they all
 “ exactly discriminated the Natures, and fairly
 “ adjusted the Rights of both Societies, on the
 “ Principles here laid down; though an *Estab-*
 “ *lishment* resulting from this Discrimination and
 “ Adjustment be the only one I would be
 “ supposed to recommend. On the contrary,
 “ I know this Union has been generally made
 “ on mistaken Principles; or, if not so, hath
 “ degenerated in length of Time; by which
 “ Means the national Religion in the Pagan
 “ World hath been most commonly a Slave to

* *Alliance*, p. 109---111.

“ the State ; and in the Christian System, the
 “ State sometimes a Slave to the Established
 “ Church. And as it was sufficient for that
 “ Writer’s Purpose, that those Societies, whe-
 “ ther good or bad, proved the Sense all Men
 “ had of the Benefits resulting from Civil Po-
 “ licy in general, though they were oft mis-
 “ taken in the Application ; so it is for ours,
 “ that this universal Concurrence in the two
 “ Societies to *unite*, shews the Sense Mankind
 “ had of the Usefulness of such an *Union*.
 “ And lastly, as that Writer’s Principles are
 “ not the less true on Account of the general
 “ Deviation from them in forming Civil Socie-
 “ ties ; so may not the plain ones of *Alliance*
 “ here delivered ; though so few States have
 “ suffered themselves to be directed by them in
 “ Practice ; nor any Man before delivered
 “ them in Speculation ; especially if, as in that
 “ Case, so in this, we can derive such *Mistake*
 “ and *Degeneracy* from their Causes. It would
 “ draw me too far out of my Way to explain
 “ distinctly the Causes of the *Mistake* ; and the
 “ intelligent Reader, who carefully attends to
 “ the whole of this Discourse, will not be at a
 “ Loss to discover the most considerable of
 “ them ; some of which I have already hinted
 “ at ; and others, I may possibly, in the Sequel
 “ of this Discourse, take occasion to mention.
 “ As for the *Degeneracy*, we have observed,

“ that the *Alliance* is of the Nature of the
 “ FOEDERA INÆQUALIA: Now, the common
 “ Issue of such, *Grotius* acquaints us with, in
 “ these Words: *Interim verum est accidere ple-*
 “ *rumque, ut qui superior est in fœdere, SI IS POTEN-*
 “ TIA MULTUM ANTECELLAT, PAULATIM IM-
 “ PERIUM PROPRIE DICTUM USURPET: PRÆ-
 “ SERTIM SI FOEDUS PERPETUUM SIT.”

BUT if, by, *never existed*, his Lordship means, that the mutual Rights and Privileges of either Society, which naturally follow such an *Alliance*, were never actually exercised and enjoyed by the two Societies, his Assertion is false. They are at this present actually exercised and enjoyed by the two Societies, in ENGLAND, under our happy Constitution of Church and State. And it was a principal Purpose of the Book of the *Alliance* to shew they are so, in order to realize the Theory. Here again it may not be improper to give the Reader the Words of the *Alliance*:
 “ We see how unreasonable and even how im-
 “ politic our Adversaries are, when in their
 “ ill Humour with *Establisments*, they chuse to
 “ pick a Quarrel with their own; where the
 “ national Religion is on a footing exactly
 “ agreeable to the Nature of a *free Convention*
 “ *between Church and State*, on the Principles of
 “ the Laws of Nature and Nations. A Felicity,

y *De jure Belli & Pacis*, Lib. i. cap. iii § 21.

“ they

“ they should have known, that scarce any
 “ other People on the Face of the Earth can
 “ boast of. In *England* alone the original Terms
 “ of this *Convention* are kept up to, so exactly,
 “ that this Account of the *Alliance between*
 “ *Church and State* seems rather a Copy of the
 “ Church and State of *England*, than a Theory,
 “ as indeed it was, formed solely on the Con-
 “ templation of Nature, and the unvariable
 “ Reason of Things ^z.”

To make this Contract (says his Lordship) *real,*
and to be really authorized, it should have been the
same at all Times and in all Countries where Christi-
anity was professed. In plain Terms, RIGHT
 waits to receive its Nature from Man's Accept-
 ance of it: or, in still plainer, *Right* becomes
 WRONG when rejected by him. How would
 this political Aphorism of his Lordship's sound
 when applied to the ORIGINAL CONTRACT be-
 tween Prince and People?—*to make it real and*
to be really authorized, it should have been the same
at all Times and in all Countries, where civil Rule
had been introduced.

BUT *political Societies* (he says) *make and alter*
and break their Alliances as the varying Reason of
State suggests. If he would be here meant to
 speak of such which make these Alterations *justly,*

^z *Alliance*, p. 104, 105.

the same may be said of the *Alliance between Church and State*. I have shewn that, in this Respect, the Alliances of political Societies with one another, and the Alliance of the political with the religious, stand just upon the same Footing. “ If there be more religious Societies
 “ than one at the Time of Convention, the
 “ State allies itself with the largest of those re-
 “ ligious Societies. It is *fit* the State should do
 “ so, because the larger the religious Society is,
 “ where there is an Equality in other Points,
 “ the better enabled it will be to answer the
 “ Ends of the Alliance. It is *scarce possible* it
 “ should be otherwise, because the two Societies
 “ being composed of the same Individuals, the
 “ greatly prevailing Religion must have a Ma-
 “ jority of its Members in the Assemblies of
 “ State, who will naturally prefer their own
 “ Religion to any other. Hence we see the
 “ Reason why the *Episcopal* is the established
 “ Church in *England*; and the *Presbyterian* the
 “ established Church in *Scotland*. Hence too
 “ we see the Reason of what was before ob-
 “ served, concerning the Duration of this Al-
 “ liance; that it is *perpetual* but not *irrevocable* :
 “ i. e. It subsists just so long as the Church
 “ thereby established maintains its Superiority
 “ of Extent; which when it loses to any con-
 “ siderable Degree the Alliance becomes void.
 “ For the united Church being then no longer
 “ able

“ able to perform its Part of the Convention
 “ which is formed on reciprocal Conditions, the
 “ State becomes disengaged ; and a *new Alliance*
 “ is of course contracted with the now prevail-
 “ ing Church, for the Reasons which made the
 “ *old*. Thus formerly, the Alliance between
 “ the *Pagan Church* and the Empire of Rome
 “ was dissolved ; and the *Christian* established in
 “ its Place : and of late the Alliance between
 “ the *Popish Church* and the Kingdom of Eng-
 “ land was broken ; and another made with the
 “ *Protestant*, in its Stead^a. ”

*Different Orders of civil Government, in the
 same Society, change, (says his Lordship) and
 with them the whole Constitution of such Govern-
 ments, as Reason or Passion, the Interests or Dis-
 positions of Men determine them.—And is it not
 the same in Church-Government ? It is here
 Episcopacy ; there Presbytery ; and in another
 Place Independency.*

BUT, a Religion given by God is in its Nature
 invariable. In its DOCTRINE it is. Yes, and
 in its DISCIPLINE likewise, (says his Lordship)
 and thus I prove it. *If a religious Society with
 certain Privileges, Immunities, and Prerogatives,
 be necessary to preserve it so, the Order and Con-*

^a *Alliance*, p. 284---88.

stitution of such a Society must be invariable too. The Inference is just. But what Principle of the *Alliance* (against which his Lordship is here arguing) supposes, that *one certain Set of Privileges, Immunities, and Prerogatives* is necessary to preserve a religious Society in that State and Condition? This Theory says, that Religion composed a Society before it had any of those *Privileges, Immunities, and Prerogatives*; and will remain a Society after it has lost them. For it had none of them till it came into Alliance with the State, and will hold none of them longer than that Alliance continues. But, if by a strange Liberty of Expression, his Lordship means, by *Privileges, Immunities, and Prerogatives*, only CHURCH-GOVERNMENT in general, so far forth as it is a Society; I own that this is *necessary to preserve a religious Society* in the State and Condition of a Society: But then, give me leave to say, it does not follow from thence, that *the ORDER and CONSTITUTION of such a Society must be invariable too*: Because Church-Government may be administred by an Episcopacy, a Presbytery, or an Independency. The specific Form of Church-Government amongst the Jews was prescribed, and therefore intended to be invariable, because *Moses* united the Religion to the State, under the collective Name of LAW: The specific Form of Church-Government amongst Christians was not prescribed,

scribed, and therefore none seems intended to be invariably followed, because *Jesus* did not unite his Religion to the State, but left it to particular Churches to follow such as were most agreeable to the Forms of those civil Societies, in which they were to be established. For this Purpose it was sufficient that *Jesus* instituted his Religion, a *Society*, by directing the Members of it to *hear the Church*, and by appointing Officers, as its Organs, to convey its Decisions. On this Matter it may not be improper again to hear the Book of the *Alliance*, which speaking of the *Jewish* and *Christian* Churches, says, “ This, Both had in common, to be political
 “ Societies by divine Appointment; but differ-
 “ ent in this, that God, for *wise Ends*, mi-
 “ nutely prescribed the whole Mode of *Jewish*
 “ Policy : And CHRIST, on the contrary, with
 “ the same divine Wisdom, only constituted his
 “ Church a policed Society at large, and left
 “ the Mode of it to human Discretion ^b. ”

THOSE *Ends*, the Book explains, in another Place. “ The *Jewish* Religion was, like the
 “ true *natural*, (which it ratified) essentially
 “ fitted to compose a Society ; and like the
 “ *Christian*, (of which it was the first Rudi-
 “ ment) made a Society by divine Appoint-

^b *Alliance*, p. 101, 102.

“ ment. But then unlike the Christian, in this,
 “ that it was not left independent of civil Go-
 “ vernment, to unite with it at its Pleasure,
 “ on Terms agreed upon; but was for great
 “ and wise Reasons at once united to it, by
 “ God himself. Which also he was pleased to
 “ do, not by way of *Alliance* as between two
 “ Bodies that were to continue distinct, and
 “ might be separated, but by mutual Conver-
 “ sion into one another, and perfect Incor-
 “ poration ‘,”

HIS Lordship then owns, that if *the Church*
be established by the same divine Authority as the
Religion, (that is, if Religion be formed into a
 Society) *it is by consequence independent of the*
State. I am apt to suspect, he here grants more
 than he is aware of: For it follows from this
 Concession, that if the Christian Religion even
 composes a Society by natural Right, though
 not by divine Appointment, it must be *inde-*
pendent of the State: because the *Independency*
 does not arise from the *Authority* which formed
 it, but from the *Nature* it possesses: And the
 Author of the *Alliance* hath shewn^d that Reli-
 gion composeth a Society by natural Right.
 His Lordship's Endeavour therefore to avoid
 the *Consequence*, its *Independency*, by affirming

^c *Alliance*, p. 212.

^d Book i. c. 5.

that

that the Church was not established by the same divine Authority as the Religion, would be to no Purpose even though he could have proved it. However let us hear how he supports his Assertion.

His first Argument is the Declaration of Jesus himself, that *his Kingdom was not of this World*. The Question is, Whether Christ's Religion composes a Society, and a Society independent? And his Lordship quotes a Declaration of Jesus to prove it does *neither*, which, in the very Terms, implies that it does *both*. For what is a *Kingdom*, but a *Society*? And what is the *not being of this World*, but a Declaration of *Independency*? Indeed the Author of the *Alliance* employed the *Subject* of the Proposition, *Christ's Kingdom*, to prove it was a SOCIETY; and the *Attribute*, its not being of *this World*, to prove, that Church and State are INDEPENDENT of one another. For were Christ's Religion a *Kingdom of this World*, the Consequence would be, that either the State is *dependent* on the Church, or the Church on the State; because, in that Case, both having COERCIVE POWER, (as all *Kingdoms of this World* have) a mutual *Independency* would make that Solecism in Politics called, IMPERIUM IN IMPERIO: Whereas, *Christ's Kingdom not being of this World*; and his *Apostles*, as his Lordship rightly

rightly observes, having no Power (*besides Miracles*) but that of teaching, exhorting, and protesting against Infidelity, i. e. having no COERCIVE Power, there remained no Pretence for its Dependency on the State.

HIS Lordship's second Argument against the Independency of the Church is, that Jesus sent out his Apostles to teach, and to baptize, and the utmost Power he gave them, besides that of working Miracles, to convince and to convert, was to shake off the Dust of their Feet, and to protest against the Infidelity of those who refused to receive them, and the Gospel they published. The Apostles ordained others to accompany and to succeed them in the same Office of teaching and baptizing. The Apostles could give no more Power than they had received.

I. HE is to prove that the Christian Religion did not compose a Society by Institution. And how does he set to work? With an Argument which shews it to be a Society by *Institution*, and without coercive Power; the very Society which the Author of the *Alliance* contends for. Jesus sent out his Apostles,—they ordained others to accompany and to succeed them. Here a Society is plainly instituted; for you find Officers appointed; and these provide for a Succession.—The utmost Power they had was to teach and baptize

tize those who willingly received the Gospel. Here all *coercive* Power is excluded ; and that Exclusion makes the Society *independent*. What more may be inferred from this Account (and which his Lordship should have inferred) is, that though a Society was instituted, yet the particular Form of Church-Government was left to human Discretion : But his Lordship could find no Society of Christ's Appointment, where he saw no particular Form of Church-Government minutely marked out, as in the Mosaic Dispensation. Though, had he found any such, it would, when he least suspected it, have been most to his Purpose ; for of such, and only of such, he might have said truly, that being *given by God*, [for that Purpose] *it is in its Nature invariable*.

2. His Observation, that the *Apostles* could give no more Power than they had received, insinuates that the Author of the *Alliance* contended for *inherent coercive Power* in the Church ; which is a gross Misrepresentation of this Author ; who expressly affirms that the Church hath no such Power, while *unallied* ; and when *allied*, receives it in a very limited Manner from the State ; and enjoys it no longer than the *Alliance* continues. But these Misrepresentations are things essential to his Lordship's Polemics. So again, “ To pretend (says he) that the
 4 “ Church

“ Church has a Right to the former [*i. e.*
 “ Wealth and Grandeur] by *Compact* or by
 “ virtue of an *Alliance* with the State, would be
 “ to say whatever comes uppermost in a WHIM-
 “ SICAL HEAD.” This is to insinuate that the
 Author of the *Alliance* pretends that the *Wealth and*
Grandeur of the Church necessarily arises from its
Alliance with the State: But let him speak for
 himself, and you shall hear him saying the direct
 contrary—the *Acquisition of Honours, Riches,*
and Power, could not be a Motive for Alliance.
 His Reason is, that *it would be impertinent in a*
Church to aim at them, because they are Things a
Church could neither use nor profit by^f.

His Lordship concludes this long Paragraph
 in these Words — *No Argument of Right can be*
drawn from any Thing that passed, nor from any
Thing that these Men [the Apostles] did for the
Maintenance of their Sect, while Christianity was a
Sect. His Lordship here forgets, as usual, the
 Personage he at present assumes, which is that of
 a Believer, who supposes, the Apostles acted,
 in all Things, by the Direction of their Master:
 consequently, *an Argument of RIGHT MAY be*
drawn from every Thing that passed, and from all
they did, in Support or Maintenance of their Sect,
while Christianity was a Sect. It is true, if we

^e Vol. iv. p. 604.

^f *Alliance*, p. 106.

suppose

suppose the Apostles to be Politicians like his Lordship, or a sort of Men who put in practice all kind of means to support and maintain their Cause or Party, no argument *of Right* can be drawn from any thing they did or said. But when God directs the actions and organs of his Ministers in the propagation of Religion, we are assured, from the knowledge we have of his Attributes, that no Rights of Humanity or Society will be violated; and consequently that from every such action, *an argument of Right may be drawn.*

If, indeed, his Lordship meant no more in this profound Observation, than, That, from what the Apostles did to assert and maintain the *Independency* of Christ's Religion while it remained a SECT, *no argument of Right can be drawn* to prove it must continue *independent* when it becomes ESTABLISHED, I perfectly agree with him: And I have but one objection to the understanding him in so reasonable a sense, which is, that it supports the Theory of the *Alliance*; a Purpose, I presume, not in his Lordship's View. Besides, it contradicts what he so much labours to prove, That, if the *independency* of the Church was of divine Institution, the Church could not give it up, when it entered into Alliance.

IN a word, the whole of his Lordship's reasoning against an *Alliance between Church and State* from the *Nature of a Church*, may be reduced to these four Propositions:

1. IF Christianity be not a Society by divine Institution, it is no Society at all.

2. IF Christianity be an independent Society by divine Institution, it could not give up its independency to the State.

3. IF Christianity be a Society by divine Institution, a certain Form of Church Government must be explicitly prescribed.

4. IF such a Form be explicitly prescribed, then that Form, and the Discipline which attends it, must be as unalterable as the Doctrine; which is contrary to the genius of this supposed Alliance.

Now I have shewn, that every one of these four Propositions is utterly devoid of all truth, reason, and common sense.

AFTER these exploits, nothing was wanting to make his Lordship's victory complete against ALLIANCES and ESTABLISHMENTS, but to discredit that first and most famous one of all, made by CONSTANTINE. "This great Revolution
" (says his Lordship) was effected in part by cir-

" cum-

“ circumstances I have mentioned, and by others
 “ that favoured the growth of Christianity. The
 “ imperial Authority did the rest, but did it ill;
 “ so ill, that the chief of those political views
 “ which CONSTANTINE had in making this
 “ ESTABLISHMENT were defeated by it, and the
 “ admission of a religious Society into the State,
 “ in the manner in which he admitted it, was
 “ the cause of all the ecclesiastical and theologi-
 “ cal evils that have followed from his time to
 “ ours, and *that are so falsely imputed to Religion*
 “ *itself*. We may be assured, that the So-
 “ CIETY co-operated with the COURT, to
 “ bring about a Revolution so much to their
 “ advantage; and thought themselves happy
 “ enough to be *dependent*, not *independent* on the
 “ Emperor; his *instruments*, not his *allies*, what-
 “ ever appearances he might give, or suffer
 “ them to assume, in those solemn ecclesiastical
 “ Farces, wherein he condescended to act, in
 “ some respects, a second part.—But while he
 “ recalled to his mind, as he did most probably,
 “ the great service Religion was of to ancient
 “ Rome, he seemed to forget, that when that
 “ Religion flourished, and was of so much ser-
 “ vice to the State, it was under the immediate
 “ inspection of the State. There was no Coun-

“ And, strange to tell, by no one so much as by his Lord-
 ship himself, throughout all his bulky Posthumous Works.

“ cil but the Senate to define Doctrines, nor to
 “ regulate Discipline. And men were at the
 “ head of the Religious, because they were at
 “ the head of the Civil, administration ; instead
 “ of being at the head of the latter, because
 “ they were at the head of the former.—He
 “ [Constantine] meant that this [spiritual
 “ power] should be distinct from the civil ;
 “ THAT THEY SHOULD BE INDEPENDENT OF ONE
 “ ANOTHER, and both dependent on him ^h.”

THAT noblest part of Legislation, to ad-
 just the rights and privileges, to settle the
 bounds and limits of the TWO SOCIETIES, to
 know, as the Poet expresses it,

“ Both spiritual Power and civil, what each means,
 “ What severs each ⁱ” —————

his Lordship, we have seen, is much a stranger
 to. Indeed every new paragraph makes his
 ignorance but the more conspicuous, by his en-
 deavouring to disguise it ; for his attempts are ge-
 nerally made at the expence of a Contradiction.

IN the Establishment of Religion under CON-
 STANTINE, the Church, he says, became depen-
 dent on the supreme civil Magistrate. *They*
thought themselves happy enough to be depen-
dent, not independent on the Emperor ; his in-

^h Vol. iv. p. 432—445.

ⁱ Milton.

struments, not his allies. Yet, in the same breath, he tells us, that this very Emperor was contented to *act a second part* to these his *instruments*, or, in other words, to become *theirs*: Nay, he expressly affirms, that Christianity was on another footing in new Rome, than Paganism had been in the old: Now Paganism, he tells us, was the *Instrument* of the supreme Magistrate. Christianity then, must be an *Ally*, not an *Instrument* to the supreme Magistrate. His Lordship says, this Establishment was *very ill made*: however that be, every body sees it is *very ill* represented. It was and it was not an *Ally*; it was and it was not an *Instrument*.—It defeated all Constantine's political views, all the good he intended. Were his premisses true the consequence was likely enough to follow. We have an example before us, in his Lordship's *Essays* throughout, that his *contradictions* can defeat all the evil he *intended*; and this (let me add to the honour of his Lordship's abilities) is doing something more; for Malice is not so easily defeated as Benevolence.

BUT if you ask, Why, in this account of CONSTANTINE'S Establishment, the Church is one while made the *Instrument*, and another, the *Ally* of the civil Magistrate? I will tell you. His Lordship had decried the ALLIANCE both in *fact*

and right. There never was, he says, in FACT, such an Alliance. To countenance this assertion, CONSTANTINE'S Establishment must be represented as being made on different terms; terms whereby the Church became the tool and instrument of the civil Magistrate. But then again, he was to shew that such an Alliance was not of RIGHT, as being very mischievous to the State: This turns the tables; and then CONSTANTINE must mean that the spiritual power should be distinct from the civil, and that they should be INDEPENDENT OF ONE ANOTHER (for he all along misrepresents the Theory of the Alliance, as making the Church keep its independency even after the Union) indeed he says,—and both dependent on himself^k; but this was added only to soften the absurdity.—To such wretched shifts do his Principles ever and anon reduce him: the Religious and the Civil Society are independent of one another; yet the Religious is dependent on the supreme Magistrate; i. e. on him who represents the civil Society, and is at its Head.

BUT now let us examine the ground-work, the canvas, of this curious paragraph, without any particular regard to the embroidery of his contradictions.

HE says, *the Church was happy enough to be dependent, NOT INDEPENDENT, on the Emperor*;

^k Vol. iv. p. 445.

his Instruments, NOT HIS ALLIES. This sentence is made up of a false insinuation, and a mistaken consequence. The false insinuation is that the Author of the *Alliance* holds, the *independency* of the Church on the Magistrate, during an Establishment. The mistaken consequence is, that if the Church be *dependent*, it is the Instrument, not the Ally, of the State. But GROTIUS, as he is quoted in the book of the *Alliance*, might have set his Lordship right in this matter. “ This (say I) is what GROTIUS “ calls *fœdus inæquale*. Inæquale FOEDUS, hic “ intelligo quod ex ipsa vi pactionis MANENTEM “ PRÆLATIONEM quandam alteri donat: Hoc “ est ubi quis tenetur alterius imperium ac majestatem conservare, ut POTENTIORI PLUS “ HONORIS, inferiori plus auxilii deferatur. *De* “ *jur. B. & P. L. i. c. iii. Sect. 21¹.*” Hence we see, in the opinion of this great Man; great by Nature, great by Discipline, and not *made great*, after the modern mode, in the Work-house of Vanity and Faction, we see, I say, that *Alliance* and *dependence* are very consistent things.

In ancient Rome, says his Lordship, *there was no Council, but the Senate, to DEFINE DOCTRINES, nor to REGULATE DISCIPLINE.* Now in ancient Rome it so happened, there were no DOCTRINES

¹ *Alliance*, p. 85.

to define ^m. And as to DISCIPLINE, this was regulated not by the Senate, but by the Colleges of the Priests. When the Senate imagined the necessities of State required the observance of religious Rites, they sent to the Priests for their directions concerning the choice and regulation of them. The Senate were the Masters whether they would have any celebrated; but if they had decreed for a celebration, they were tied down to the rules and directions of the sacred Books, as the sense of them was represented and interpreted by the Priests.

WHEN the Romans had entered on a war with Philip of Macedon, Senatus decrevit (they are the words of Livy) uti Consules majoribus hostiis rem divinam facerent *quibus Diis ipsis videretur*, cum precatione ea: Quam rem, &c. He then tells us that the Consuls made their report to the Senate; and there we find the part their Priests had in this matter.—Quum pronunciaissent Consules; rem divinam RITE perfectam esse, et precationem admisisse Deos ARUSPICES RESPONDERE, *lætaque exta esse et prolationem finium, victoriamque et triumphum portendi*.—L. xxxi. c. 5. But the State further ordered that the Consul, to make the Gods pro-

* See *Div. Leg. B. ii. Sect. 6.*

pitious, should according to old custom make a Vow; and on this occasion we have a more explicit account of the Share the old Pagan Church had in this matter, by which we find it was not the Senate, but the College of Priests which regulated Discipline, or if his Lordship will have it so, DEFINED DOCTRINE. *Civitas religiosa* (says the Historian) *ne quid prætermitteretur, quod aliquando factum esset; ludos Jovi, donumque vovere Consulem jussit moram voto publico Licinius pontifex maximus attulit, qui negavit ex incerta pecunia vovere debere. Si ea pecunia non posset in bellum usui esse; reponi statim debere, nec cum alia pecunia misceri. Quod nisi factum esset, Votum RITE solvi non posse. Quanquam et res, et auctor movebat; tamen ad COLLEGIUM PONTIFICUM referre Consul jussus, si posset recte votum incertæ pecuniæ suscipi. Posse rectiusque etiam esse, PONTIFICES DECREVERUNT. Vovit in eadem verba Consul, præeunte maximo Pontifice*ⁿ. Again, by the Papirian Law all consecrations of Houses, Lands or Altars, to RELIGION, were forbidden, without the express command of the People. But then, when the People had commanded it, the Ceremony could not be performed by a Tribune, or any other civil Magistrate, but by one of the College of Priests only. Which was just such a Supremacy

ⁿ L. xxxi. c. 9.

of the State in Religious matters, as that which is exercised in England, and justified on the principles of the ALLIANCE.

ON the whole, his Lordship assures us, that CONSTANTINE *establisbed the Church very ill.* It would indeed appear so from his account of it; which when set against the principles of the ALLIANCE it either much shames *Constantine's Establishment*, or at least the noble Reporter of it.

1. CONSTANTINE *made the Church* (his Lordship says) *his Instruments, not his Allies.* The ALLIANCE makes the Church the Ally, and not the Instrument, of the Civil Magistrate.

2. CONSTANTINE *placed men at the head of the civil Administration, because they were at the head of the religious.* The ALLIANCE places men at the head of the religious, because they were at the head of the civil administration.

3. CONSTANTINE *did not take to himself the title of supreme head of the Church under God and Christ.* The ALLIANCE makes the supreme Magistrate head of the Church under God and Christ.

4. CONSTANTINE gave riches and coercive power to the Church without assuming this supremacy or headship. The ALLIANCE, when it gave riches and coercive power to the Church, conferred the Supremacy on the civil Magistrate.

His Lordship's conclusion from this long and suspicious story of CONSTANTINE, is this, that "He and his Successors raised that spiritual tyranny, which was established and grown into full strength before CHARLES THE GREAT." And what could we expect less, when, if his Lordship reports truly, every term in the *Alliance* was violated or neglected? This was just as natural as that civil Tyranny should grow to a head, when the terms of the *original Compact* between prince and people, had not been adverted to, or observed? In a word, the mischiefs, which, his Lordship pretends, did follow from *Constantine's establishment* would, if true, be the best recommendation of the *Theory of the Alliance*; a Theory formed, as it were, and fitted to avoid and guard against them: It has in fact done so, and rendered our present Constitution of Church and State the most happy and prosperous of any on the face of the Earth.

At last, as if on set purpose to recommend the *Theory of the Alliance*, his Lordship concludes

his Section concerning CONSTANTINE in these words: " Thus it seems to me that the great
 " and fundamental error, from whence so many
 " others proceeded, and which CONSTANTINE
 " COMMITTED IN THE ESTABLISHMENT OF
 " CHRISTIANITY, was this, *he admitted a Clergy*
 " *into an Establishment, on the same foot, on which*
 " *this order had stood, while Christianity was the*
 " *Religion, and these men were the heads, the di-*
 " *rectors, the governors, and magistrates of a Sect,*
 " *by no authority, but that of the Sect itself.* He
 " admitted them vested with this authority,
 " which might be necessary as long as Christians
 " made a Sect apart, out of the protection of
 " the laws; and which became unnecessary and
 " dangerous, when Christianity had a legal
 " establishment.—The conduct of Constantine
 " on this occasion must needs appear extremely
 " absurd to every one who considers the conse-
 " quences it had^p." Can there be a greater
 encomium on the principles of the ALLIANCE?
 The *fundamental error* of CONSTANTINE'S es-
 tablishment was, it seems, suffering the Church
 TO RETAIN ITS INDEPENDENCY. The funda-
 mental condition of establishment on the theory
 of *Alliance* is, that the Church shall GIVE UP
 ITS INDEPENDENCY. But all this is only taking
 advantage of his Lordship's mistakes concern-

^p Vol. iv. p. 438—9.

ing CONSTANTINE'S ESTABLISHMENT.—A man who understood this part of ecclesiastical History infinitely better than his Lordship, gives a very different account of it.—Etsi enim Ecclesiam (says Mosheim speaking of *Constantine*) Civitatem quandam a Republica distinctam in Civitate, qualis ante ipsum fuerat, manere patiebatur: SUPREMUM sibi tamen in hanc Civitatem IMPERIUM, atque jus eam sic constituendi et temperandi, uti salus Rei publicæ posceret, sumebat⁹. And again, — Multa quæ totius Ecclesiæ fuerant, ad Imperatores eorumque Præsides et Magistratus transierant. We see here an abridged but exact description of the *Alliance between Church and State*: And one is much better pleased to have our Theory recommended on the Authority, than at the expence of that great Instrument of Divine Providence.

AFTER this, would you expect to hear him return again to his abuse of the ALLIANCE? “The
 “ sole intention and sole effect of [the theologic
 “ system of the schools] was to establish an ec-
 “ clesiastical Empire, under that spiritual Mon-
 “ arch the Pope, and his spiritual Ministers
 “ the Clergy. THIS WAS THE EFFECT OF THAT

⁹ Instit. Hist. Eccl. p. 155.

“ SUPPOSED ALLIANCE BETWEEN THE CHURCH
“ AND STATE.”

BEFORE, It was CONSTANTINE *and his Successors*, who raised that *spiritual Tyranny*^r: And it was done, he says, by means of his *Establishment*; which suffered the Church to retain its INDEPENDENCY, and admitted it on the same foot on which it had stood while it was a *Sect*^t. But now, it is the *supposed ALLIANCE between Church and State* which raised this *spiritual Tyranny*; an Alliance which will not suffer the Church to retain its INDEPENDENCY; nor admit it on the same foot on which it stood while it was a *Sect*.

WE have seen such amazing instances of his Lordship's CONTRADICTIONS, as not to be surprized at the boldest of them. Sometimes, when rapt in a fit of Rhetoric, he does, by his *Contradictions*, what the man in the Play did by his *Ingratitude*, he strives to cover the monstrous bulk of them, by a proportionable size of words^u; sometimes again, to shew his utter contempt of the Public, he chuses to follow the advice there given; *to let them go naked, whereby men would see them the better*. But, when he masks his double face, the FALSIFICATION of the *Theory of the*

^r Vol. iv. p. 621—2.

^s Vol. iv. p. 446.

^t Vol. iv. p. 438.

^u *Timon of Athens*.

Alliance always affords him the best play. He constantly takes it for granted or avouches it for a fact, throughout his whole argument against the Book, that the Author contends for and maintains the *independency of the Church on the State, under an establishment*. This brings CONSTANTINE's Establishment, as he has represented it, and the Establishment on the principles of the ALLIANCE, pretty much to the same thing; so that the mischiefs ascribed to one, may be safely transferred to the other.

AND here, Reader, in conclusion, the odd fortune of this book of the ALLIANCE is worthy notice. It had been written against by many nameless Scriblers, before his Lordship: and had their force been equal to their fury, its innocence had been no protection to it. *Their daggers backed one another*™, tho' not in the Sides of my System, but in the unfeeling fronts of the Assassins themselves. Three capital crimes had been imputed to it. One, that it established an *imperium in imperio*; another, that it made the Church a creature of the Civil Magistrate; and a third, that it made the civil Magistrate a Creature of the Church: While one shameless fellow, as I remember, in a thing he called a *Comment on the Alliance*,

™ *Shakespeare.*

charged

charged it with all these three crimes at once :
 So that his *Lordship*, whose care is for the
 STATE, and my *Dissenting Adversaries*, who
 are as anxious for the CHURCH, will come in
 but for shares in the full merit of that illust-
 rious Commentator.

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1745
A. J. L. A. N. C. A.

CHURCH AND STATE

THE NINETEENTH

AN ESTABLISHED

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Warburton, William,

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